Indigenous Consultation Report

Vopak Pacific Canada

November 2019

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1 Introduction

1.1 Project Overview

Vopak Development Canada Inc. (Vopak), a wholly-owned subsidiary of Royal Vopak, is investigating the opportunity to construct, own and operate a new bulk liquids tank storage facility in Prince Rupert, British Columbia (BC). This project is called Vopak Pacific Canada (the Project).

The Project is proposed to be located on Ridley Island within the lands and waters under the jurisdiction of the Prince Rupert Port Authority (PRPA). At full build-out the facility will have a capacity of 90,000 cubic metres (m^3) of liquefied petroleum gas (LPG), 260,000 m^3 of diesel and/or gasoline and 220,000 m^3 of methanol. It will consist of the following major components:

- a bulk liquids tank storage facility;
- a jetty; and
- supporting infrastructure and facilities, including power supply and a wastewater treatment system.

The Project requires environmental effects determinations by federal authorities under Section 67 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), as well as an Environmental Assessment Certificate (EAC) under the BC *Environmental Assessment Act* (BCEAA). The Project will undergo a coordinated environmental assessment (EA) process between the British Columbia Environmental Assessment Office (BC EAO) and federal authorities. Vopak filed a Project Description with the provincial and federal government agencies on June 27, 2018.

1.2 Purpose of the Indigenous Consultation Report

The Indigenous Consultation Report (the Report) provides a summary of efforts undertaken by Vopak to consult with Indigenous Nations in Schedule B of the BC EAO's Section 11 Order in accordance with the approved Indigenous Consultation Plan (March 2019). The Report is developed to satisfy requirements of Section 13.1.1 of the Section 11 Order to develop an Indigenous Consultation Report within 60 days[1] after the issuance of the Terms of Reference (TOR)/Application Information Requirements (AIR). The Report is comprised of the following sections:

1. An overview of the Indigenous Consultation Plan (Section 2)
2. A summary of consultation activities for each Indigenous Nation, including input received from the Indigenous Nation, and how Vopak has addressed the input (Section 3)
3. A summary of potential adverse effects of the Project on Aboriginal Interests, and preliminary measures to avoid, mitigate, or otherwise address or accommodate those effects (Section 4)
4. Next steps for Indigenous consultation activities (Section 5)

[1] A 30-day extension was granted by the BC EAO on September 30, 2019.

This Report provides a record of engagement for the reporting period of January 2018 to July 31, 2019 to capture engagement activities up until the BC EAO's formal issuance of the TOR/AIR. Vopak will include engagement activities after July 31, 2019 to complete Stage 2 Pre-Environmental Effects Evaluation (EEE)/Application engagement in the second Indigenous Consultation Report to be submitted at the time of submission of the EEE/Application.

2 Indigenous Consultation Plan

The Indigenous Consultation Plan was developed as part of Vopak's commitment to provide meaningful opportunities for Indigenous Nations to participate in Project planning and design, and to raise concerns and issues. The Indigenous Consultation Plan was designed to meet the Indigenous consultation requirements set out in the Section 11 Order and requirements of Indigenous Nations.

The Indigenous Consultation Plan was submitted to the BC EAO on March 18, 2019 and is based on input received from Indigenous Nations on two draft versions. The BC EAO approved the plan in March 2019.

2.1 Overview

In its Section 11 Order for the Project, the BC EAO has directed Vopak to consult with the following six Indigenous Nations[2]:

- Gitga'at First Nation
- Gitxaała Nation
- Kitselas First Nation
- Kitsumkalum First Nation
- Lax Kw'alaams Band
- Metlakatla First Nation

Vopak's Indigenous Consultation Plan describes Vopak's approach and methods for undertaking the following:

- Share Project-related information;
- Seek input from Indigenous Nations on the proposed Project, potential impacts of the Project to Aboriginal Interests and ways of avoiding mitigating, addressing or otherwise accommodating them, as appropriate; and
- Work together to address issues and concerns raised by Indigenous Nations, in the hope that Vopak and Indigenous Nations will reach consensus.

Vopak's approach to Indigenous consultation mirrors the four stages of the BC EAO's regulatory process (Table 2-1).

[2] For the purposes of this Consultation Report, Indigenous Nations refers to Indigenous Nations Vopak is consulting with in respect of the Project, as directed by the EAO in the Section 11 Order.

Table 2-1 Vopak's Staged Approach to Consultation with Indigenous Nations

Stage	Time Period	Status
Stage 1 - Initial Engagement	Covered the time period from the Project inception to the filing of the Project Description in June 2018.	Q1 2018 – June 2018 *Complete*
Stage 2 - Project Description and Terms of Reference/Pre-Application Phase Consultation	Covering the time period from the filing of the Project Description, the issuance of the Section 11 Order, the development of the TOR/AIR, the collection of baseline information and the filing of a draft EEE/Application for an EAC and any supporting permitting applications that may be submitted concurrently.	July 2018 – Fall 2019 *Current*
Stage 3 - Draft EEE/Application Review Phase Consultation	Covering the time period from the acceptance of the draft EEE by Federal Authorities/Application for an EAC by the EAO and including any supporting permitting applications that may be submitted concurrently, to the receipt of the BC EAO decision on the Application for the EAC and federal determination on the EEE.	Winter 2019 – Fall 2020[3] *Future Stage*
Stage 4 - Ongoing Engagement	Covering the time period from the receipt of the BC EAO decision on the Application for the EAC and federal determination on the EEE, as well as any continuing synchronous permitting applications or any subsequent permitting applications, through construction, operations and decommissioning of the proposed Project	Ongoing/Post-decision *Future Stage*

2.2 Consultation Objectives

The objectives of Vopak's proposed consultation process are to:

- Include Indigenous Nations in the EA, such as scoping through input in the development of the TOR/AIR and execution through input on the EEE/Application and other means outlined below;
- Through ongoing engagement understand how Indigenous Nations wish to be consulted, including timelines for review of documents and provision of input;

[3] Anticipated timing.

- Provide timely and reasonable levels of capacity resources to Indigenous Nations to ensure they have the opportunity to adequately participate in Project consultation and understand potential impacts of the Project;
- Share timely and relevant Project information and seek input from Indigenous Nations on interests and concerns related to the Project and work together to address them;
- Understand Indigenous Nations' community values, interests and priorities;
- Understand what practices, traditions or customs Indigenous Nations have been, or are currently engaged in, or are likely to be engaged in in a reasonably foreseeable future provided that they have continuity with traditional practices, traditions or customs, in the vicinity of the proposed Project or in relation to the proposed Project;
- Determine how these practices, traditions or customs may potentially be impacted by the proposed Project components and activities described in Section 2 About the Project of the Indigenous Consultation Plan;
- Explore in a collaborative manner appropriate measures to avoid, mitigate or otherwise address or accommodate potential Project impacts on Aboriginal Interests;
- Ensure that issues raised are considered in the development and implementation of the Project and that such issues are addressed, resolved or otherwise accommodated, as appropriate;
- Establish transparent communication, including on how input was incorporated and rationale for non-inclusion of input; and
- Develop positive long-term relationships with Indigenous Nations.

3 Summary of Indigenous Consultation

For this reporting period, Vopak has achieved several key milestones with active participation of, and input from, Indigenous Nations.

During Stage 1, initial engagement with Indigenous Nations regarding the proposed Project focused on relationship building and sharing preliminary Project information. Table 3-1 provides a summary of engagement activities during Stage 1 – Initial Engagement.

Table 3-1 Summary of Initial Engagement Activities (January – June 2018)

Engagement Activity	Description	Status
Develop communications tools and materials	Vopak developed a project website that members of Indigenous Nations can access publically.	Ongoing
Introductory letters and meetings	Vopak initiated contact with each of the six Indigenous Nations in early 2018 by sending letters of introduction and meeting in person with each Indigenous Nation to introduce Vopak and the proposed Project, provide information on the regulatory process, and learn about each Indigenous Nation's protocols for engagement and any preliminary issues they may have.	Completed
Communications and information sharing	Vopak shared content of an environmental desktop study summarizing existing environmental conditions of the proposed Project location based on a literature review of previous studies and EAs completed in the area with each Indigenous Nation.	Completed
Provide advance copy of the Project Description and seek input	In March/April 2018, the preliminary Project Description Summary and Project Area Map were sent to all Indigenous Nations. In May 2018, a draft Project Description was sent to the Indigenous Nations for review and input. Vopak received comments on the draft Project Description from Gitga'at First Nation, Gitxaała Nation, Kitselas First Nation, Kitsumkalum First Nation, Lax Kw'alaams Band and Metlakatla First Nation. Vopak provided responses to each Indigenous Nation's comments in July 2018 and revised the Project Description based on feedback received. The Final Project Description was submitted to the BC EAO and PRPA on June 26, 2018.	Completed
Capacity funding discussions	Vopak entered into discussions about funding with each of the Indigenous Nations to enable their meaningful participation in the EA process.	Ongoing

During Stage 2, engagement focused on meeting the specific objectives for this stage of consultation outlined in the Indigenous Consultation Plan. Vopak strived to enable ongoing two-way communication with all Indigenous Nations and to demonstrate that input received was considered throughout the development of EA-related documents, either by tracking how input was incorporated in documents or by providing rationale for non-inclusion of input. Among others, input received:

- informed the final Indigenous Consultation Plan and the final TOR/AIR, including the selection of Valued Components (VCs) and their study boundaries,
- led to the development of field and desktop workplans to describe the methodology involved in assessing potential effects of the Project on certain VCs (as described in Table 3-2 below), which were shared with the Indigenous Nations for input,
- informed the execution of the field program during the spring and summer of 2019 through the consultation on the field workplans, and
- led to the development of a workplan for Part C of the EEE/Application, which describes how Vopak intends to conduct its assessment of potential Project-effects on Aboriginal Interests and meet requirements under CEAA 2012 Section 5(1)(c), which was also shared with the Indigenous Nations for input.

Vopak continues to engage with Indigenous Nations in accordance with Stage 2 engagement activities outlined in the Indigenous Consultation Plan. Table 3-2 provides a summary of engagement activities during Stage 2 – Project Description and Terms of Reference/Pre-Application Phase Consultation. For simplicity purposes, this phase is also referred to as “Pre-EEE/Application Engagement” subsequently.

Table 3-2 Summary of Pre-EEE/Application Engagement Activities (June 2018 – July 2019)

Engagement Activity	Description	Status
Develop communications tools and materials	Vopak continued to maintain a project website that members of Indigenous Nations can access publically.	Ongoing
Communications and information sharing Ongoing consultation meetings	Vopak continued to share information about the project and key regulatory documents for review and input (see below). Vopak has held meetings with Indigenous Nations, including Chiefs, advisors, and staff members to: • Discuss desired level of participation in the Project and regulatory process and capacity funding to support their participation. • Provide opportunities for feedback on the EA and permitting process, including the Indigenous Consultation Plan, the draft TOR/AIR, EA methods, VC-specific workplans and the Part C workplan. This has included meetings to discuss comments, as needed. Further information is provided in the below rows.	Ongoing: Vopak will continue to consult with Indigenous Nations throughout the pre-EEE/Application phase. This will include meetings to seek feedback on potential effects of the Project on Aboriginal Interests, and to develop strategies to avoid, mitigate or otherwise address or accommodate these effects.
Develop and review the Indigenous Consultation Plan	The Indigenous Consultation Plan for the Project was developed with full consideration of input from Indigenous Nations over two rounds of review. The first draft Indigenous Consultation Plan was sent to Indigenous Nations for review and input on November 1, 2018. Comments were received from all Indigenous Nations. Vopak provided each Indigenous Nation a table of their comments on the first draft and Vopak's responses, including where comments resulted in changes to the Consultation Plan and an explanation when comments did not result in requested changes. Vopak sent the revised draft Indigenous Consultation Plan to all Indigenous Nations for review and input on February 15, 2019. Vopak received input from two Indigenous Nations on the second draft Consultation Plan. As was done for the first draft, Vopak provided a table of where and how input was considered and a rationale where comments did not result in requested changes. The two rounds of comments have resulted in a shared understanding between Vopak and Indigenous Nations of the consultation process and an Indigenous Consultation Plan that is responsive to	Completed

Engagement Activity	Description	Status
	Indigenous Nations' concerns and accounts for their role in the EEE/Application process. The BC EAO approved the Indigenous Consultation Plan in March 2019.	
Review of TOR/AIR	Vopak has participated in the BC EAO-led consultation on the draft TOR/AIR for the Project. This has included participating in working group meetings, responding to comments from Indigenous Nations through three rounds of review, meeting with Indigenous Nations to discuss their comments as needed, and updating the TOR/AIR, as appropriate. The BC EAO distributed a first draft TOR/AIR for the Project to the Working Group, including Indigenous Nations, for review and comment in August 2018. In October 2018, Vopak received Working Group comments from the BC EAO and provided responses to these comments in January 2019. Vopak received a second round of comments from the BC EAO in February 2019 and provided responses in March 2019. Vopak addressed the third and final round of comments in June 2019. With each round of consultation on the TOR/AIR, Vopak revised the TOR/AIR and tracked comments and responses in the Working Group comment tracking table which was shared with the Working Group. In addition to Working Group meetings, Vopak has met with Indigenous Nations in person and via conference call, as needed, to work on resolving issues and concerns. The BC EAO issued the final TOR/AIR on July 26, 2019.	Completed
EA/Disposal at Sea Working Group Meetings	Vopak has attended three Working Group meetings: 1) September 26, 2018; 2) January 23, 2019; 3) July 31, 2019. Working Group meetings were directed by regulatory authorities to discuss the EA and Disposal at Sea permitting of the proposed project, including scoping and the TOR/AIR. The following Indigenous Nations have also participated in Working Group meetings to date: • Gitga'at First Nation • Gitxaała Nation • Kitselas First Nation • Kitsumkalum First Nation	Ongoing: Vopak will continue to participate in Working Group meetings, as directed by the BC EAO and PRPA.

Engagement Activity	Description	Status
	• Lax Kw'alaams Band • Metlakatla First Nation	
Capacity funding discussions	Vopak entered into Capacity Funding Agreements or Initial Funding Letter Agreements with all six Nations to support their participation in the environmental assessment and permitting processes. Two letter agreements were signed in August 2019 after the reporting period for this Report; however these agreements were negotiated during this reporting period and are therefore captured in this Report. Capacity funding discussions are ongoing.	Ongoing
Indigenous Consultation Report review	Vopak has provided a draft version of this Indigenous Consultation Report to all Indigenous Nations for their review and comment prior to the submission of the Report to the BC EAO. Vopak received comments directly from Kitselas First Nation, Lax Kw'alaams Band and Metlakatla First Nation. Vopak received comments from Kitsumkalum First Nation and Gitxaała Nation via the EAO. Comments were incorporated into the final version of this Report. Gitga'at First Nation did not provide any comments.	Complete.
Preparation for submission of the draft EEE/Application for an Environment Assessment Certificate	Vopak provided draft VC-specific workplans to Gitga'at First Nation, Gitxaała Nation, Kitselas First Nation, Kitsumkalum First Nation, Lax Kw'alaams Band, and Metlakatla First Nation for review and feedback as follows: • February 22, 2019: Freshwater Fish and Fish Habitat field workplan, Terrestrial Resources field workplan, Marine Resources field workplan, Visual Quality Assessment field workplan, Marine Mammals field workplan • March 4, 2019: Archaeology field workplan • May 17, 2019: Socio-Economic Assessment desktop workplan • June 28, 2019: Air Dispersion Modeling workplan • July 30, 2019: Part C: Indigenous Consultation, Aboriginal Interests and Paragraph 5(1)(c) Effects workplan	Ongoing: Vopak will address comments received on the Part C workplan and will continue to consult with Indigenous Nations throughout the pre-EEE/Application Engagement phase.

Engagement Activity	Description	Status
	As of July 2019, Vopak has received comments on the workplans from the following Nations: • Gitxaała Nation comments on the socio-economic workplan • Kitselas First Nation comments on all workplans, except the air quality workplan • Kitsumkalum First Nation comments on all workplans except the socio-economic workplan • Lax Kw'alaams Band comments on all workplans • Metlakatla First Nation comments on all workplans July 30, 2019: Vopak provided the Part C workplan to all Nations for comments and will address comments once received. Vopak and SNC Lavalin met with Gitxaała, Kitselas, Kitsumkalum, Lax Kw'alaams, and Metlakatla First Nations in May 2019 and Gitga'at First Nation in June 2019 to discuss comments on the workplans. Vopak has been responding to comments received by all six Nations and has updated workplans and the TOR/AIR to address issues and concerns raised as part of the workplan consultation. Vopak worked with all Indigenous Nations to identify opportunities for participation in field studies. Vopak will continue to consult with Indigenous Nations throughout the pre-EEE/Application Engagement phase. This will include meetings to seek input on potential effects of the Project on Aboriginal Interests and to develop strategies to avoid, mitigate, or otherwise address or accommodate these effects, as well as consultation related to conducting Traditional Use Studies.	

A summary of engagement activities undertaken by Vopak with each Indigenous Nation from January 2018 to July 31, 2019 is described in the following sections.

3.1 Gitga'at First Nation

Table 3-3 provides a summary of Vopak's key engagement activities with Gitga'at First Nation for Stage 1 – Initial Engagement and Stage 2 – Pre-EEE/Application Engagement. While engagement activities have occurred in regards to capacity funding, these activities have not been captured in the table below. Comments, interest and concerns raised, as well as Vopak's response are captured in Table 3-4 below. Most concerns raised to date have been addressed or are part of an ongoing discussion with the Nation.

Table 3-3 Chronology of Key Engagement Activities with Gitga'at First Nation

Date	Method of Engagement	Outcome
Stage 1 – Initial Engagement		
January 22, 2018	Email/Phone call	Vopak provided background on the proposed Project, a link to the Vopak website, and requested an opportunity to meet with the Chief Councillor. An introductory phone conversation with Janine (Pittman) Lemire representing Gitga'at First Nation took place on February 15, 2018.
February 15, 2018	Email	Vopak provided content of the Environmental Desktop Study.
March 12, 2018	Email	Vopak provided a preliminary Project Description Summary and Project Area Map for information purposes.
March 20, 2018	Email	Vopak inquired if there were any considerations Gitga'at First Nation would like to share with Vopak prior to Vopak proceeding with the bidding process for the environmental assessment scope of work of the Project.
April 2, 2018	Email	Vopak offered to meet with Gitga'at First Nation and the Prince Rupert Port Authority to discuss the CEAA Section 67 Environmental Effects determination process for the Project.
April 10, 2018	Meeting	In-person introductory meeting to discuss the Project, the CEAA Section 67 Environmental Effects determination process. Gitga'at First Nation indicated their preference to discuss the regulatory process with Vopak directly.
May 29, 2018	Email	Vopak provided the draft Project Description for comments.
June 15, 2018	Email	Vopak received Gitga'at First Nation's comments on the draft Project Description.
July 6, 2018	Email with letter and tracking table	Vopak provided responses to comments on the draft Project Description and provided the Project Description version submitted to the regulators.

Stage 2 – Pre-EEE/Application Engagement		
September 25, 2018	Working Group Meeting	Vopak and Indigenous Nations attended a regulatory Working Group Meeting to discuss the draft TOR/AIR, EA process, regulatory permitting, project overview, proposed VCs, and potential effects.
October 2, 2018	Email	Vopak provided spatial data from the draft TOR/AIR via the BC EAO.
October 10, 2018	Email	Upon request from Gitga'at First Nation, Vopak provided electronic copies of their presentations from the September 25, 2018 Working Group Meeting.
October 19, 2018	Email	Vopak received comments (Round one) on the draft TOR/AIR from Gitga'at First Nation.
November 1, 2018	Email	Vopak provided a draft Indigenous Consultation Plan for comment.
December 5, 2018	Email	Vopak received comments on the draft Indigenous Consultation Plan from Gitga'at First Nation.
January 14, 2019	Email and tracking table	Vopak provided responses to comments (Round one) on draft TOR/AIR.
January 23, 2019	Working Group Meeting	Working Group Meeting #2 to discuss revisions to the draft TOR/AIR.
January 29, 2019	Meeting	Vopak and Gitga'at First Nation met to discuss Gitga'at First Nation's comments on the draft TOR/AIR.
February 6, 2019	Email	Vopak received Round two comments on the draft TOR/AIR.
February 15, 2019	Email	Vopak provided responses to comments on the draft Indigenous Consultation Plan and provided the second draft Indigenous Consultation Plan.
February 22, 2019	Email	Vopak provided drafts of the Marine Mammals field workplan, Terrestrial field workplan, Visual Quality field workplan, Freshwater Fish and Fish Habitat field workplan and Marine Resources field workplan for review. Gitga'at First Nation did not provide any comments on the field workplans.
February 26, 2019	Meeting	In person meeting agenda included the draft TOR/AIR and the draft Consultation Plan.
March 4, 2019	Letter	Vopak received Round two comments on draft Indigenous Consultation Plan.
March 4, 2019	Email	Vopak provided the draft Archaeology workplan for review. Gitga'at First Nation did not provide any comments on this workplan.
March 18, 2019	Email with letter and tracking table	Vopak provided responses to Round two comments on the draft Indigenous Consultation Plan.
March 29, 2019	Email with	Vopak provided responses to Round two comments on the draft

	tracking table	TOR/AIR.
May 6, 2019	Email	Vopak received Round three comments on the draft TOR/AIR.
May 17, 2019	Email	Vopak provided a draft Socio-Economic Impact Assessment workplan for review. Gitga'at First Nation did not provide any comments on the workplan.
June 14, 2019	Meeting	Meeting with SNC Lavalin, Vopak and Gitga'at First Nation to discuss the draft TOR/AIR comments.
June 21, 2019	Email	Vopak provided responses to Round Three comments on the draft TOR/AIR.
June 28, 2019	Email	Vopak provided the Air Dispersion Modeling Plan Summary for review. Gitga'at Fist Nation did not provide any comments.
July 24, 2019	Working Group Meeting	Working Group Meeting #3 to discuss Disposal at Sea. Gitga'at First Nation representatives did not attend.
July 30, 2019	Email	Vopak provided the draft Part C workplan for comment.

Table 3-4 Summary of Issues, Concerns, and Response to the Gitga'at First Nation

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is outstanding)
Spatial Scope of the Assessment	Concern that there is a regulatory gap regarding potential effects of increased rail traffic beyond PRPA jurisdiction. Request to assess rail and marine shipping activities associated with the Project beyond PRPA jurisdiction, including air quality and Greenhouse Gas (GHG) emissions, noise, cumulative effects, and accidents and malfunctions.	Comments on the draft Indigenous Consultation Plan; comments on the draft TOR/AIR	As described in the Project's Section 11 Order issued by the BC EAO, the scope of the assessment includes associated off-site shipping out to Triple Island (i.e. beyond PRPA jurisdiction) and the operation of rail tracks used by the proposed Project within the Port of Prince Rupert. Federal regulators confirmed in a letter dated March 1, 2019 that they will conduct a determination on the likelihood of significant adverse environmental effects based upon a review of project components that include rail loading and unloading activities within federal lands administered by the Port of Prince Rupert. Due to concerns raised by Working	Ongoing: Vopak to develop a supplemental technical report on rail concurrent with the submission of the EEE/Application.	N/A

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is outstanding)
			Group members, Vopak will develop a supplemental technical report to Working Group members concurrent with the submission of the EEE/Application. The scope of the supplemental technical report is described in Memo #4 Rail Traffic and includes a description of potential changes in air quality, noise and accidents and malfunctions.		
Indigenous Consultation	Vopak and Gitga'at First Nation need to work together to address Gitga'at First Nation's interests and concerns.	Comments on the draft Indigenous Consultation Plan; comments on the draft TOR/AIR; meetings	Vopak has provided, and continues to provide, opportunities for Vopak and Gitga'at First Nation to work together such as providing opportunities for Gitga'at First Nation to give input on the Project Description, the Indigenous Consultation Plan, the Indigenous Consultation Report, the TOR/AIR, workplans, and participate in the field programs.	Ongoing: Vopak is currently seeking feedback from Gitga'at First Nation on the Part C workplan. Vopak will continue to work with Gitga'at First Nation throughout the EA process to address Gitga'at First Nation's interests and concerns.	N/A

Traditional Ecological Knowledge (TEK)/Traditional Land Use (TLU) Studies	Gitga'at First Nation TEK/TLU studies are scoped and completed on a project basis, and any previously conducted studies that Vopak may access in the public record must not be relied upon in this EA.	Comments on the draft Indigenous Consultation Plan; comments on the draft TOR/AIR	Vopak is committed to working with Gitga'at First Nation to fund a TLU study undertaken by Gitga'at First Nation. As communicated in the Part C workplan, where TLU information is not provided, information will be compiled from publically available secondary sources and Vopak will discuss with Gitga'at First Nation which secondary sources may be most appropriate.	Ongoing: Vopak is finalizing the TLU Study funding with Gitga'at First Nation and will identify appropriate secondary sources in discussions with Gitga'at First Nation if applicable.	N/A
Air Quality and GHG Emissions	Request to split Air Quality and GHG emissions into individual VCs rather than subcomponents.	Comments on draft TOR/AIR	Air Quality and GHG were split into two individual VCs and Vopak updated the TOR/AIR accordingly.	Completed.	
Regulatory Process	Concerns about the CEAA, 2012 Section 67 environmental review process.	Meeting	The environmental review process of the Project is coordinated jointly by federal authorities and the BC EAO and allows Vopak to meet the requirements under both Section 67 of CEAA, 2012 and the BCEAA. The coordinated provincial and federal review process will allow for a robust environmental assessment with comprehensive opportunities for Indigenous consultation.	Completed.	
Mitigation Plans	If plans are proposed as mitigation measures, detailed information on each plan must be provided in the EEE/Application.	Comments on draft TOR/AIR	Vopak will not use management / monitoring plans as mitigation measures but rather as tools to capture mitigation measures identified	Ongoing: All mitigation measures will be described in detail for each VC in Section 5 of	N/A

			as part of the EA. All mitigation measures will be described in detail for each VC in Section 5 of the EEE/Application.	the EEE/Application.	
Cumulative Effects	Project inclusion list to be updated with projects identified by Gitga'at First Nation.	Comments on draft TOR/AIR	Vopak updated the project inclusion list.	Completed.	
Residual Effects Characterization	Provide definition of residual effect characterization for each VC.	Comments on draft TOR/AIR	Vopak updated the TOR/AIR to include residual effects characterization definitions.	Completed.	
Valued Components	Assess subcomponents of VCs separately as VCs (e.g., marine birds, migratory birds, freshwater fish species).	Comments on draft TOR/AIR	Vopak clarified that the residual effects and significance are planned to be characterized for all identified subcomponents. The wording of Section 4 of the TOR/AIR was amended to clarify this point.	Completed.	
Visual Quality and Ambient Light	Request to work with Vopak to identify viewpoints.	Comments on draft TOR/AIR	Vopak shared the draft Visual Quality Assessment workplan for input on viewpoints.	Ongoing: Gitga'at First Nation comments and input to the workplan will be addressed once received.	N/A
VC Assessment Boundaries	Request to define boundaries based on ecology not jurisdiction. Request to expand the study boundaries for the Soils and Terrain VC, the Marine Use and Navigation VC, the	Comments on draft TOR/AIR	Vopak revised the TOR/AIR to limit the use of jurisdictions in defining study boundaries. The study boundaries were revised for all named VCs to address concerns raised by Gitga'at First Nation.	Completed.	

	Community Infrastructure and Services VC, the Economic Conditions VC, the Heritage and Archaeology VC, the Marine Resources VC, and the Human Health VC. Request to expand the study boundaries for the Marine Use and Navigation VC to include DFO Area 4-6.		For the Marine Use and Navigation VC, the RSA was revised to include the entire Pacific Fishery Management Area 4. The RSA encompasses the area in which the effects from other project vessels and the Project residual effects could interact in space and time to result in cumulative effects.		
Terrestrial Resources	Request to assess project effects on culturally important wildlife and vegetation species. Request to assess quantitative indicators of wetland function.	Comments on draft TOR/AIR	Vopak will assess project effects on culturally important wildlife and vegetation in Part C: Aboriginal Interests of the EEE/Application. Vopak has shared the draft Terrestrial Resources workplan and Part C workplan with Gitga'at First Nation for comments. The TOR/AIR was updated to include quantitative indicators used to support the effects assessment on wetland function.	Ongoing: Gitga'at First Nation comments and input to the workplans will be addressed once received.	N/A
Socio-Economic Conditions	Request to assess project effects on vulnerable populations, community health and wellbeing. Request to include availability of government assisted living and low-	Comments on draft TOR/AIR	Vopak has added a Community Wellbeing VC and has updated the TOR/AIR accordingly. Indicators of Community Infrastructure and Services include core housing need (i.e., affordability, adequacy, suitability, vacancy rates) and local government	Ongoing: Gitga'at First Nation comments and input to the workplan will be addressed once received.	N/A

	income housing as indicators. Request to work together to obtain data on Hartley Bay and Gitga'at First Nation to assess Project effects on the socio-economic valued components.		expenditures. Vopak has shared the Socio-economic Impact Assessment workplan with Gitga'at First Nation for review and comment and welcomes feedback and baseline data from Gitga'at First Nation.		
Human Health	Requested that a Human Health Risk Assessment (HHRA) be completed.	Comments on draft TOR/AIR	A screening-level HHRA is planned to be conducted as part of the overall assessment. The wording in the TOR/AIR was revised accordingly.	Ongoing: Vopak to conduct a screening-level HHRA as part of the EEE/Application.	N/A
Capacity Funding	Capacity funding is required for Gitga'at First Nation to fully participate in the EA process. Gitga'at First Nation would like to retain technical experts to review the TOR/AIR and workplans.	Comments on the draft Indigenous Consultation Plan; comments on the draft TOR/AIR; meetings	Vopak has provided initial capacity funding for participation and is in ongoing discussions with Gitga'at First Nation to finalize capacity funding.	Ongoing: Vopak is working with Gitga'at First Nation on finalizing capacity funding.	N/A

3.2 Gitxaała Nation

Table 3-5 provides a summary of Vopak's key engagement activities with Gitxaała Nation for Stage 1 – Initial Engagement and Stage 2 – Pre-EEE/Application Engagement. While engagement activities have occurred in regards to capacity funding, these activities have not been captured in the table below. Comments, interest and concerns raised, as well as Vopak's response are captured in Table 3-6 below. Most concerns raised to date have been addressed or are part of an ongoing discussion with the Nation.

Table 3-5 Chronology of Key Engagement Activities with Gitxaała Nation

Date	Method of Engagement	Outcome
Stage 1 – Initial Engagement		
January 3, 2018	Email	Vopak provided background on the proposed Project, a link to the Vopak website, and requested an opportunity to meet with the Chief Councillor.
January 18, 2018	In person meeting	Main discussion items included: • High-level information about Vopak and the joint venture with AltaGas on the Ridley Island Propane Export Terminal in Prince Rupert. • Consultation process and concerns regarding consultation processes on the RIPET project. Vopak provided a description on who Vopak is and the Vopak projects in Prince Rupert.
March 15, 2018	Email	Vopak provided a preliminary Project Description Summary and Project Area Map for information purposes.
March 20, 2018	Email	Vopak inquired if there were any considerations Gitxaała Nation would like to share with Vopak prior to Vopak proceeding with the bidding process for the environmental assessment scope of work.
April 19, 2018	Phone call	An introductory phone call took place between Vopak and Gitxaała Environmental Management (GEM) staff regarding the proposed Project.
April 20, 2018	Email	Vopak provided a Project Area Map, the preliminary Project Description Summary, and content of the Environmental Desktop Study that Vopak initiated earlier in the year.
May 31, 2018	Email	Vopak provided the draft Project Description for comments.
June 15, 2018	Email	Vopak received comments on the draft Project Description.
July 20, 2018	Email with letter and tracking table	Vopak provided responses to comments on the draft Project Description.
Stage 2 – Pre-EEE/Application Engagement		
September 25, 2018	Working Group Meeting	Vopak and Indigenous groups attended a regulatory Working Group Meeting to discuss the draft TOR/AIR, EA process, regulatory permitting,

Date	Method of Engagement	Outcome
		project overview, proposed VCs, and potential effects.
October 2, 2018	Email	Vopak provided spatial data from the draft TOR/AIR via the BC EAO.
October 19, 2018	Email	Vopak received comments (Round one) on the draft TOR/AIR.
November 1, 2018	Email	Vopak provided the draft Indigenous Consultation Plan for input.
November 30, 2018	Email	Vopak received comments on the draft Indigenous Consultation Plan.
December 4, 2019	Meeting	Vopak and GEM met to discuss the Section 67 process, and Gitxaała Nation comments on the draft TOR/AIR.
January 14, 2019	Email and tracking table	Vopak provided responses to Round one comments on the draft TOR/AIR.
January 23, 2019	Working Group Meeting	Second Working Group Meeting to discuss revisions to the draft TOR/AIR.
February 6, 2019	Email	Vopak received Round Two comments on draft TOR/AIR.
February 6, 2019	Email	Vopak received letters from Gitxaała Nation regarding Section 5(1)(c), Gitxaała Valued Components, assessment methods, characterizations and determining significance, as well as the spatial scope of the assessment.
February 15, 2019	Email with letter and tracking table	Vopak provided responses to comments on the draft Indigenous Consultation Plan and provided the second draft Indigenous Consultation Plan.
February 22, 2019	Email	Vopak provided drafts of the Marine Mammals field workplan, Terrestrial field workplan, Visual Quality field workplan, Freshwater Fish and Fish Habitat field workplan and Marine Resources field workplan for review. Gitxaała Nation did not provide any comments on the workplans
March 4, 2019	Email	Vopak provided the Archaeology workplan for feedback. Gitxaała Nation did not provide any comments on the workplan.
March 6, 2019	Email	Vopak received Round Two comments on the draft Indigenous Consultation Plan.
March 18, 2019	Email and letter with tracking table	Vopak provided responses to Round Two comments on the draft Indigenous Consultation Plan. Vopak received no further comments from Gitxaała Nation on the Indigenous Consultation Plan.
March 29, 2019	Email and tracking table	Vopak provided responses to Round Two comments on the draft TOR/AIR and addressed concerns raised in the February 6, 2019 letters via these responses.
May 8, 2019	Email	Vopak received Round three comments on the draft TOR/AIR.
May 17, 2019	Meeting	Meeting between Vopak, SNC Lavalin and Gitxaała Nation to discuss draft TOR/AIR comments.

Date	Method of Engagement	Outcome
May 17, 2019	Email	Vopak provided a draft Socio-economic Impact Assessment workplan that describes the methodology of the socio-economic valued components.
June 21, 2019	Email	Vopak provided responses to Round three comments on the draft TOR/AIR.
June 28, 2019	Email	Vopak provided the Air Dispersion Modeling Plan Summary for review. Gitxaała Nation did not provide any comments.
July 22, 2019	Email	Vopak received comments on the Socio-economic Impact Assessment workplan. Vopak is in the process of providing responses to these comments.
July 24, 2019	Working Group Meeting	Working Group Meeting #3 to discuss Disposal at Sea.
July 25, 2019	Email	Vopak provided a draft Terms of Reference for the Traditional Use Study for comments.
July 30, 2019	Email	Vopak provided the draft Part C workplan for comment.

Table 3-6 Summary of Issues, Concerns, and Response to the Gitxaała Nation

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
Scope of Assessment	The physical works and activities of the Project are not located entirely on federal lands and waters administered by PRPA. Both rail and marine transportation of dangerous goods associated with the project extend beyond PRPA's jurisdiction. Gitxaała Nation is concerned regarding the effects of increased project-related and cumulative rail and shipping activity both within and beyond PRPA jurisdiction, including air quality, noise and accidents and malfunctions.	Comments on the draft Project Description; comments on the draft Indigenous Consultation Plan; comments on the draft TOR/AIR	As described in the Project's Section 11 Order issued by the BC EAO, the scope of the assessment includes associated off-site shipping out to Triple Island (i.e., beyond PRPA jurisdiction) and the operation of rail tracks used by the proposed Project within the Port of Prince Rupert. Federal regulators confirmed in a letter dated March 1, 2019 that they will conduct a determination on the likelihood of significant adverse environmental effects based upon a review of project components that include rail loading and unloading activities within federal lands administered by the Port of Prince Rupert. Due to concerns raised by Working Group members, Vopak will develop a supplemental technical report to Working Group members concurrent with the submission of the EEE/Application. The scope of the supplemental technical report is described in Memo #4 Rail Traffic and includes a description of potential changes in air quality, noise and accidents and malfunctions.	Ongoing: Vopak to develop a supplemental technical report on rail concurrent with the submission of the EEE/Application.	Gitxaała Nation has shared options to assess potential impacts of rail with the BC EAO; issue remains outstanding until Gitxaała Nation has received confirmation of the BC EAO's response.
Indigenous	Gitxaała Nation's comments	Comments	Vopak provided opportunities for Gitxaała	Ongoing: Engage	N/A

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
Consultation	on the draft Indigenous Consultation Plan are to be integrated into the final Indigenous Consultation Plan. Vopak should work with Gitxaała Nation to develop mutually agreeable and flexible consultation processes.	on the draft Indigenous Consultation Plan	Nation to comment on two drafts of the Consultation Plan. Vopak has taken into account comments received and has accommodated concerns in the following ways: -added Decommissioning phase as part of consultation; -added commitment to discuss potential impacts on Aboriginal Interests and appropriate mitigation measures with Indigenous Nations; -added commitment to provide draft field workplans to Gitxaała Nation for input and identified opportunities for participation in field studies. Vopak also shared the Part C workplan with Gitxaała Nation for input.	with Gitxaała Nation on the development of Part C of the EEE/Application to strive towards a mutually agreeable process.	
Regulatory Process	Concern that the Project is undergoing a section 67 EEE, rather than a full federal EA. The Project is located on unceded Gitxaała Nation territory on industrial lands created without consultation or accommodation. The absence of any provincial authorization reinforces Gitxaała Nation's	Comments on the draft Project Description; comments on the draft Indigenous Consultation Plan; comments on the draft TOR/AIR	Vopak has engaged Gitxaała Nation in discussions on the EA process for this project. Vopak is preparing an EEE pursuant to CEAA 2012, Section 67 EEE and an EA pursuant to the BCEAA and is taking measures to incorporate feedback from Gitxaała Nation throughout the application process (e.g., PD, TOR/AIR, workplans, draft application). Additionally, Vopak believes that the coordinated provincial and federal review process will allow for a robust environmental assessment with comprehensive	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	concerns about the process.		opportunities for Indigenous consultation.		
TEK/TLU Studies	Traditional use information must be integrated into the assessment. Any previously conducted Gitxaała Nation TEK/TLU studies that Vopak may access in the public record must not be relied upon in this EA. Gitxaała Nation traditional use studies are project-specific and may only be used with the Nation's written permission. Gitxaała Nation has significant data concerns with many studies done for other EAs.	Comments on the draft Project Description; comments on the draft Indigenous Consultation Plan; comments on the draft TOR/AIR	Vopak is committed to working with Gitxaała Nation to fund a TLU study undertaken by Gitxaała Nation. In addition, Vopak has shared the draft Part C workplan with Gitxaała Nation for comment. As communicated in the Part C workplan, where TLU information is not provided, information will be compiled from publicly available secondary sources and Vopak will discuss with Gitxaała Nation which secondary sources may be most appropriate.	Ongoing: Vopak is finalizing the TLU Study funding with Gitxaała Nation and will identify appropriate secondary sources in discussions with Gitxaała Nation if applicable.	N/A
Dispute resolution mechanism for construction, operation and decommissioning	Should the Project be approved, a reporting structure, grievance mechanism and dispute resolution mechanism must be developed for the construction, operations and decommissioning phases of the project, in consultation with Gitxaała Nation.	Comments on draft Indigenous Consultation Plan	The Construction Environmental Management Plan is planned to be developed in consultation with Indigenous Nations and will include a communications plan that will delineate communications about project schedule and activities to Indigenous communities, as well as grievance and dispute resolution mechanisms. As committed in the Indigenous Consultation Plan, Vopak will discuss any issues and concerns that may	Ongoing: Vopak to develop a Construction Environmental Management Plan with grievance and dispute resolution mechanisms. Vopak will discuss any issues and concerns that may	N/A

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
			arise during the construction, operation and decommissioning phases of the Project with Gitxaała Nation.	arise during the construction, operation and decommissioning phases of the Project with Gitxaała Nation.	
Employment opportunities, training and other capacity building initiatives	During the consultation process, Vopak should consider opportunities to provide direct benefits to potentially impacted Indigenous Nations through employment, training, and other capacity building initiatives. Request for Vopak to provide opportunities to participate in baseline studies and EA-related fieldwork.	Comments on the draft Indigenous Consultation Plan and draft Indigenous Consultation Report	Vopak has identified opportunities for Gitxaała Nation to participate in the field study program in 2019. This included an archaeology survey in May, marine mammal survey in May, marine bird surveys in June, and subtidal towed survey in August. Vopak will endeavour to work with potentially impacted Indigenous Nations to provide opportunities for employment and/or contracting throughout the EA process.	Ongoing: Vopak will endeavour to work with potentially impacted Indigenous Nations to provide opportunities for employment and/or contracting throughout the EA process.	N/A
Determination of Significance and Residual Effects Characterization	Gitxaała Nation is concerned that the methods for characterizing effects, and the determination of significance will only be presented after the proponent has made these determinations. Gitxaała	Comments on the draft TOR/AIR; comments on the draft Indigenous Consultation Plan	Vopak updated the TOR/AIR to provide definitions of the residual effects characterization criteria and significance thresholds for each VC. Vopak updated the TOR/AIR to clarify that Vopak will make its own determination of the significance related to CEAA 5(1)(c) effects.	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	Nation is concerned that, in the past, these thresholds have represented 'moving targets' and that proponents have been free to adjust their characterizations and thresholds after they have conducted an assessment. Additionally, Gitxaała Nation requires federal authorities to make a determination of significance on CEAA 2012 5(1)(c) effects.				
Potential Project Benefits	Gitxaała Nation is concerned about potential benefits of the project. Gitxaała Nation requests that the Project benefits section include ranges for anticipated jobs, and not just best-case scenario language.	Comments on the draft TOR/AIR	As per best practice in impact assessment Vopak will consider uncertainty in the assessment of Project benefits. Vopak has included the additional requirements in Section 2.5 of the TOR/AIR.	Ongoing: Vopak to consider uncertainty in the assessment of Project benefits in the EEE/Application.	N/A
Mitigation/ Monitoring Plans	Concerns regarding the quality and level of detail included in management plans and monitoring. Request that detailed monitoring plans be developed in consultation	Comments on the draft TOR/AIR; comments on the draft Indigenous Consultation	Vopak will provide details on mitigation measures and monitoring plans in the EEE/Application and is committed to developing plans in consultation with the Indigenous Nations.	Ongoing: Vopak will provide details on mitigation measures and monitoring plans in the EEE/Application	N/A

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	with Gitxaała Nation.	Plan		and is committed to developing plans in consultation with the Indigenous Nations.	
Use of Secondary Sources/Field studies methodology	Gitxaała Nation is concerned that past EA conclusions and effects will be used to inform the EEE/Application. Request that Vopak should augment existing information with additional studies. Additionally, Gitxaała Nation is concerned that primary data collection will not be properly scoped. Sharing data collection protocols, field methods, timing, and analytical methods with the working group would help alleviate these concerns.	Comments on draft TOR/AIR	Past EA conclusions and potential effects will not be used to inform this assessment. However, original data that was used to support past EAs may be relied on, if relevant to this Project. Where existing data is not applicable or sufficient, additional field studies have been conducted. Vopak has prepared field study workplans that include the methods and timing of the field studies, which were shared with Gitxaała Nation for input.	Ongoing: Gitxaała Nation comments and input to the workplan will be addressed once received.	N/A
Nation-specific VCs	Gitxaała-specific VCs should be included in the selection process. Gitxaała Nation would be willing to work with the proponent in the selection of VCs; this requires appropriate	Comments on the draft TOR/AIR	Vopak has included the list of preliminary Gitxaała-specific VCs in the Part C workplan that was shared with Gitxaała Nation for input.	Ongoing: Vopak and Gitxaała Nation are in discussions regarding capacity funding and a more fulsome list of Gitxaała-specific	N/A

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	timelines and capacity.			VCs.	
VC Assessment Boundaries	Each VC should have a spatial boundary that is based on the maximum potential of effects for project components based on functional/ecological significance and not be limited to any jurisdictional boundaries. Additionally, Gitxaała Nation requested increased study boundaries for the Air Quality VC, the Marine Resource VC, the Soil and Terrain VC, the Marine Use and Navigation VC, the Community Services and Infrastructure VCs, and the Economic Conditions VC.	Comments on the draft TOR/AIR	Vopak revised the TOR/AIR to limit the use of jurisdiction in defining study boundaries. The study boundaries were revised for all named VCs to address concerns raised by Gitxaała Nation.	Completed	
Air Quality and GHG Emissions	Request to split Air Quality and GHG emissions into individual VCs rather than subcomponents. Request to include upstream GHG emissions in the assessment.	Comments on the draft TOR/AIR	Air Quality and GHG were split into two VCs and Vopak updated the TOR/AIR accordingly. Vopak will provide a technical report concurrent to the EEE/Application to provide upstream GHG information. The content of this technical report is still subject to discussions with ECCC.	Completed.	
Air Quality	Gitxaała Nation is not	Comments	Vopak has shared the Air Quality	Ongoing: Gitxaała	N/A

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	confident that existing meteorological and ambient air quality data is sufficient for characterizing current conditions.	on the draft TOR/AIR	workplan with Gitxaała Nation for input.	Nation comments and input to the workplan will be addressed once received.	
Cumulative Effects	The assessment should include a cumulative effects assessment on all residual effects to properly identify their ability to interact cumulatively. Additionally, Gitxaała Nation requested updates to the project list used in the cumulative effects assessment.	Comments on the draft TOR/AIR	Vopak will undertake cumulative effects assessment following EAO's guidelines and Cumulative Effects Framework. Vopak made revisions to the project list in the TOR/AIR.	Completed.	
Visual Quality and Ambient Light	Visual Quality and Ambient Light should be evaluated as discrete VCs and be assigned separate significance determinations. New field studies should be conducted to assess the Ambient Light VC. Viewpoints should include those identified through engagement with	Comments on the draft TOR/AIR	Visual Quality and Ambient Light are assessed separately as subcomponents; residual effects and significance will be characterized for each subcomponent. Vopak shared the Visual Quality Assessment Workplan, including viewpoints, with Gitxaała Nation for input.	Ongoing: Gitxaała Nation comments and input to the workplan will be addressed once received.	N/A

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	communities.				
Marine Resources	Effects to marine resources related to disposal at sea should be assessed in the EEE/Application. Additionally, ECCC Guidance should be used as the benchmark for sediment characterization.	Comments on the draft TOR/AIR	Disposal at sea activities are included in the TOR/AIR. The ECCC guidance, Disposal At Sea Technical Guidance: Chemical Characterization of Dredged Material Proposed for Disposal At Sea, February 2018 will be used as the benchmark for sediment characterization.	Completed.	
Human Health	A HHRA should be completed and should incorporate guidelines for Health Impact Assessment that were developed by TESA Nations and Gitxaała Nation.	Comments on the Project Description; comments on the draft TOR/AIR	A screening-level HHRA is planned to be conducted as part of the overall assessment. The wording in the TOR/AIR was revised to specify. Vopak will review the guidelines developed by TESA and Gitxaała Nation.	Ongoing: Vopak will review TESA guidelines.	N/A
Community Well-being	The scope of the Human Health VC should be expanded to include social determinants of health, including those relevant to Aboriginal populations in Canada.	Comments on the draft TOR/AIR	An assessment of social determinants of health were included in a new Community Well-being VC, which was added to the TOR/AIR. A socio-economic workplan was shared with Gitxaała Nation for input, which included the methodology for the Community Well-being VC.	Ongoing: Gitxaała Nation comments and input to the workplan will be addressed once received.	N/A
Effects on Indigenous Peoples	The section regarding effects on Indigenous Peoples in the TOR/AIR is		Vopak has followed BC EAO guidance in the development of the section regarding effects on Indigenous Peoples. In order to	Ongoing: Gitxaała Nation comments and input to the	N/A

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	lacking significant detail and cannot be used in its current condition. The section should include an assessment specific to each Indigenous Nation including all identified Aboriginal Interests, potential cumulative effects, mitigations and conclusions of the degree of significance of these impacts.		address the concern raised, Vopak has developed a Part C workplan to work with Indigenous Nations to develop this section of the EEE/Application.	workplan are currently being addressed.	
Capacity Funding	Capacity funding is required for Gitxaała Nation to fully participate in the EA process. The review of EA-related documentation to date has been constrained due to a full capacity funding agreement not being put in place.	Comments on draft Project Description; draft Indigenous Consultation Plan; draft TOR/AIR	Vopak and Gitxaała Nation are in discussions regarding capacity funding. Vopak provided Gitxaała Nation with initial funding while negotiations continue on a broader funding agreement.	Ongoing; Vopak is currently negotiating capacity funding with Gitxaała Nation.	N/A

3.3 Kitselas First Nation

Table 3-7 provides a summary of Vopak's key engagement activities with Kitselas First Nation for Stage 1 – Initial Engagement and Stage 2 – Pre-EEE/Application Engagement. While engagement activities have occurred in regards to capacity funding, these activities have not been captured in the table below. Comments, interest and concerns raised, as well as Vopak's response are captured in Table 3-8 below. Most concerns raised to date have been addressed or are part of an ongoing discussion with the Nation.

Table 3-7 Chronology of Key Engagement Activities with Kitselas First Nation

Date	Method of Engagement	Outcome
Stage 1 – Initial Engagement		
January 2, 2018	Email	Vopak provided background on the proposed Project, a link to the Vopak website, and requested an opportunity to meet with the Chief Councillor.
January 22, 2018	Phone Conversation	Vopak left a voicemail to schedule an introductory meeting with the Chief Councillor.
February 28, 2018	Phone Conversation	Vopak provided background information on the proposed Project to a representative of Kitselas First Nation.
March 8, 2018	Phone Conversation/Email	Vopak provided background information on the proposed Project to another representative of Kitselas. Vopak provided a preliminary Project Description Summary and Project Area Map for information purposes.
April 27, 2018	Meeting	Introductory meeting to discuss the proposed project, including the regulatory framework, and joint expectation of engagement. Vopak inquired if there were any considerations Kitselas First Nation would like to share with Vopak prior to Vopak proceeding with the bidding process for the environmental assessment scope of work. The Prince Rupert Port Authority attended the second half of the meeting to discuss the regulatory process under Section 67 of CEAA 2012.
May 1, 2018	Email	Vopak provided content of the Environmental Desktop Study that Vopak initiated earlier in the year.
May 29, 2018	Email	Vopak provided the draft Project Description for comments.
June 15, 2018	Email	Vopak received comments on the draft Project Description.
July 11, 2018	Email with a letter and tracking table	Vopak provided responses to comments on the draft Project Description and provided the Project Description version submitted to the regulators.

Stage 2 – Pre-EEE/Application Engagement		
September 25, 2018	Working Group Meeting	Vopak and Indigenous groups attended a regulatory Working Group Meeting to discuss the draft TOR/AIR, the EA process, regulatory permitting, project overview, proposed VCs, and potential effects.
October 2, 2018	Email	Vopak provided spatial data from the TOR/AIR via the BC EAO.
October 19, 2018	Email	Vopak received comments (Round One) on the draft TOR/AIR.
October 31, 2018	Meeting	Vopak, Kitselas First Nation, and SNC Lavalin had a meeting to discuss comments on the draft TOR/AIR.
November 1, 2018	Email	Vopak provided the draft Indigenous Consultation Plan for input.
November 30, 2018	Letter	Vopak received comments on the draft Indigenous Consultation Plan, as well as a letter on Accidents and Malfunctions.
January 14, 2019	Email with tracking table	Vopak responded to Round one comments on the draft TOR/AIR.
January 23, 2019	Working Group Meeting	Second Working Group Meeting to discuss revisions to the draft TOR/AIR.
February 6, 2019	Email	Vopak received Round two comments on the draft TOR/AIR.
February 7, 2019	Email	Vopak provided a response to the letter on Accidents and Malfunctions.
February 15, 2019	Email with a letter and tracking table	Vopak provided responses to comments on the draft Indigenous Consultation Plan and provided the second Draft Indigenous Consultation Plan. Following a clarification request, Kitselas First Nation indicated they had no further comments.
February 22, 2019	Email	Vopak provided drafts of the Marine Mammals field workplan, Terrestrial (Wildlife Veg) field workplan, Visual Quality field workplan, Freshwater Fish and Fish Habitat field workplan and Marine Resources field workplan for review.
March 4, 2019	Email	Vopak provided the Archaeology workplan for feedback.
March 18 and 21, 2019	Email	Vopak received comments on the draft field workplans and Archaeology workplan.
March 29, 2019	Email with tracking table	Vopak responded to Round two comments on the draft TOR/AIR.
May 6, 2019	Email	Vopak received Round three comments on the draft TOR/AIR.
May 15, 2019	Meeting	Vopak, Sea View Marine Sciences, SNC Lavalin, and Kitselas First Nation discussed comments on the draft TOR/AIR and field workplans.
May 17, 2019	Email	Vopak provided a draft Socio-economic Impact Assessment Workplan that describes the methodology of the socio-economic valued components.
May 27, 2019	Email	Vopak received Round two comments on the field workplans:

		Terrestrial Resources, Visual Quality Assessment, Terrestrial Archaeological Overview and Impact Assessment, Marine Overview Assessment.
June 10, 2019	Email	Vopak received comments on the Socio-economic Impact Assessment Workplan.
June 17, 2019	Email	Vopak provided a revised Initial Funding Letter Agreement to continue to support Kitselas First Nation's participation in the regulatory process. Kitselas First Nation returned the signed agreement on June 20, 2019 and further initial funding was provided by Vopak.
June 21, 2019	Email with tracking table	Vopak responded to Round three comments on the draft TOR/AIR.
June 21, 2019	Email	Vopak provided TEK/TLU Study draft TOR for comment.
June 28, 2019	Email	Vopak provided the Air Dispersion Modelling Plan Summary for review.
July 12, 2019	Email with tracking table	Vopak responded to comments on the field workplans and archaeology workplan.
July 16, 2019	Email with tracking table	Vopak responded to comments on the Socio-economic Impact Assessment Workplan.
July 24, 2019	Working Group Meeting	Working Group Meeting #3 to discuss Disposal at Sea. Kitselas representatives did not attend.
July 30, 2019	Email	Vopak provided draft Part C Workplan for comment.

Table 3-8 Summary of Issues, Concerns, and Response to the Kitselas First Nation

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
Scope of Assessment	The physical works and activities of the Project are not located entirely on federal lands and waters administered by PRPA. Both rail and marine transportation of dangerous goods associated with the project extend beyond PRPA's jurisdiction. Kitselas First Nation is concerned regarding the effects of increased project-related and cumulative rail and shipping activity both within and beyond PRPA jurisdiction, including air quality, noise, human health, and accidents and malfunctions.	Comments on the draft Project Description, comments on the draft TOR/AIR, meetings; comments on the draft workplans	As described in the Project's Section 11 Order issued by the BC EAO, the scope of the assessment includes associated off-site shipping out to Triple Island (i.e., beyond PRPA jurisdiction) and the operation of rail tracks used by the proposed Project within the Port of Prince Rupert. Federal regulators confirmed in a letter dated March 1, 2019 that they will conduct a determination on the likelihood of significant adverse environmental effects based upon a review of project components that include rail loading and unloading activities within federal lands administered by the Port of Prince Rupert. Due to concerns raised by Working Group members, Vopak will develop a supplemental technical report to Working Group members concurrent with the submission of the EEE/Application. The scope of the supplemental technical report is described in Memo #4 Rail Traffic and includes a description of potential changes in air quality, noise and accidents	Ongoing: Vopak to develop a supplemental technical report on rail concurrent with the submission of the EEE/Application.	Kitselas First Nation agrees with the status of the issue. The supplemental technical report appears to address Kitselas First Nation's requirement for information on impacts from Project-related rail traffic beyond PRPA jurisdiction to make a determination on the impacts of the Project. However, Kitselas First Nation continues to emphasize the need for the BC EAO and federal regulators to review the supplemental technical report and consider the impacts from Project-related rail traffic beyond PRPA jurisdiction in their overall determination of significance of adverse Project effects.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
			and malfunctions.		
Regulatory Process	Kitselas First Nation supports a full EA process involving the appropriate federal and provincial regulators.	Comments on the draft Project Description	Vopak has engaged Kitselas First Nation in discussions on the EA process for this project. Vopak is preparing an EEE pursuant to CEAA 2012, Section 67 EEE and an EA pursuant to the BCEAA and is taking measures to incorporate feedback from Kitselas First Nation throughout the application process (e.g., PD, TOR/AIR, workplans, draft application). Additionally, Vopak believes that the coordinated provincial and federal review process will allow for a robust environmental assessment with comprehensive opportunities for Indigenous consultation.	Completed.	
Indigenous Consultation	Individual consultation with each Indigenous Nations is required by the Proponent and concerns raised must be reported on a Nation-by-Nation basis rather than in summary form across all Nations. Kitselas First Nation expects to be engaged and consulted on the development of the	Comments the on the draft TOR/AIR	Vopak is committed to conducting individual consultation with each Indigenous Nation and is tracking concerns raised individually for each Indigenous Nations, as demonstrated in this consultation report and committed to in the Indigenous Consultation Plan. Vopak has shared field and desktop study workplans, including the Part C workplan to involve Indigenous Nations in the development of the EEE/Application, including methodology, indicators, etc.	Ongoing: Vopak to continue to engage with Kitselas First Nation during the development of the EEE/Application.	Kitselas First Nation agrees with the status of the issue and will continue to engage with Vopak.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	EEE/Application.				
Use of secondary sources/ TLU Studies	Kitselas First Nation cautions the Proponent about the use of / reliance on dated studies to inform the EEE/Application. Information collected from these sources should be used sparingly and augmented with additional studies designed to address data gaps. Kitselas First Nation does not condone the incorporation of information specific to Kitselas First Nation (e.g., Traditional use / knowledge) that we have provided on past projects into the EEE/Application for this Project.	Comments on the draft Indigenous Consultation Plan; comments on the draft TOR/AIR; meetings	Past EA conclusions and potential effects will not be used to inform this assessment. However, original data that was used to support past EAs may be relied on, if relevant to this Project. Where existing data is not applicable or sufficient, additional field studies have been conducted. Vopak has prepared field study workplans that include the methods and timing of the field studies, which were shared with Kitselas First Nation for input. Vopak is committed to funding a TLU study undertaken by Kitselas First Nation. In addition, Vopak has shared the draft Part C workplan with Kitselas First Nation for comment. As communicated in the Part C workplan, where TLU information is not provided, information will be compiled from publically available secondary sources and Vopak will discuss with Kitselas First Nation which secondary sources may be most appropriate.	Ongoing: Vopak is finalizing the TLU Study funding with Kitselas First Nation and will identify appropriate secondary sources in discussions with Kitselas First Nation if applicable.	Kitselas First Nation agrees with the status of the issue and appreciates the ongoing effort to incorporate current TLU study information into the EEE/Application.
VC Assessment Boundaries	The spatial boundaries should be based on the extent of potential effects rather than jurisdictional boundaries. Additionally,	Comments on the draft TOR/AIR	Vopak revised the TOR/AIR to limit the use of jurisdiction in defining study boundaries. The study boundaries were revised for all named VCs to address concerns raised by Kitselas First Nation.	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	Kitselas First Nation requested increased study boundaries for the Marine Resources VC, the Soils and Terrain VC, the Marine Use and Navigation VC, the Community Services and Infrastructure VC, the Economic Conditions VC and the Heritage and Archaeology VC.				
Disposal at sea	Kitselas First Nation emphasizes the importance of seeking on-land disposal alternatives to disposal at sea.	Comments on the draft Project Description	Vopak is currently in the process of identifying requirements for both disposal on land and at sea and will continue to engage with Kitselas First Nation on this topic.	Ongoing: Vopak will continue to engage with Kitselas First Nation regarding disposal on land at a sea.	Kitselas First Nation agrees with the status of issue.
Cumulative Effects	Kitselas First Nation is concerned with the cumulative effects of projects within PRPA jurisdiction, including impacts on marine resources and the local economy. Request from Kitselas First	Comments on draft Project Description and draft TOR/AIR	Vopak will undertake cumulative effects assessment following BC EAO's guidelines and Cumulative Effects Framework. Vopak made revisions to the project list in the TOR/AIR.	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	Nation to update the project inclusion list with projects identified by Kitselas First Nation.				
Environmental Management Plans / Monitoring Programs	Environmental Management Plans cannot be used as catch-all mechanism for mitigating potential effects. Kitselas First Nation would like to be involved in future monitoring programs.	Draft Project Description	Vopak will not use management / monitoring plans as mitigation measures but rather as tools to capture mitigation measures identified as part of the EA. Additionally, Vopak has identified opportunities for Kitselas First Nation to participate in the field study program. Vopak will endeavour to work with potentially impacted Indigenous Nations to provide opportunities for employment and/or contracting moving forward.	Completed.	
Determination of Significance and Residual Effects Characterization	Kitselas First Nation is concerned that the methods for characterizing effects, and the determination of significance will only be presented after the proponent has made these determinations. Kitselas First Nation is concerned that, in the past, these thresholds have represented 'moving targets' and that	Comments on the draft TOR/AIR	Vopak updated the TOR/AIR to provide definitions of the residual effect's characterization criteria and significance thresholds for each VC. Vopak updated the TOR/AIR to clarify that Vopak will make its own determination of the significance related to CEAA 5(1)(c) effects.	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	proponents have been free to adjust their characterizations and thresholds after they have conducted an assessment.				
Assessment of Aboriginal Interests and CEAA 2012 5(1)(c) effects	Potential impacts of the project on Aboriginal rights, title or interests should be assessed on an individual Nation by Nation basis. Additionally, the section regarding effects on Indigenous Peoples in the TOR/AIR is lacking significant detail and cannot be used in its current condition. Vopak should identify appropriate VCs in consultation with Kitselas First Nation.	Working Group comments on draft TOR/AIR	The TOR/AIR was revised to clarify that effects on Indigenous peoples will be assessed on a Nation by Nation basis, based on provincial and federal guidelines, including the requirements of section 5(1)(c) of CEAA 2012. Vopak has followed BC EAO guidance in the development of the section regarding effects on Indigenous Peoples. In order to address the concern raised, Vopak has developed a Part C workplan to work with Indigenous Nations to develop this section of the EEE/Application, including proposed Aboriginal Interests.	Ongoing: Vopak is in discussions with Kitselas First Nation regarding input on the Part C workplan.	Kitselas First Nation agrees with the status of the issue and appreciates the ongoing effort to incorporate Kitselas First Nation knowledge in assessment of Aboriginal Interests and CEAA 2012 5(1)(c) effects.
Air Quality and GHG emissions	Air Quality and GHG emissions should be two separate VCs.	Comments on the draft TOR/AIR	Air Quality and GHG were split into two individual VCs and Vopak updated the TOR/AIR accordingly.	Completed.	
Community Well-being	Request to revise the Human Health VC to Human Health and Community Well-being.	Comments on the draft TOR/AIR	A separate Community Well-being VC was added to the TOR/AIR and will be assessed separately to Human Health.	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
Human Health	Requested that a HHRA be completed.	Comments on the draft TOR/AIR	A screening-level HHRA is planned to be conducted as part of the overall assessment. The wording in the TOR/AIR was revised accordingly.	Ongoing: Vopak to conduct a screening-level HHRA as part of the EEE/Application.	Kitselas First Nation agrees with the status of the issue and Vopak's commitment to adequately assess health effects.
Marine Fish and Benthic Invertebrates	Non-benthic marine invertebrate faunal should be included in the Marine Fish and Benthic Invertebrates subcomponent.	Comments on the Marine Resources workplan	Important pelagic species will be assessed as part of the Marine Fish and Benthic Invertebrate subcomponent. For clarity the subcomponent name was changed to Marine Fish and Invertebrates.	Completed.	
Marine Mammals boundaries	Given that the Regional Study Area (RSA) is intended to provide context for a VC at a regional level, and that the RSA boundary is used to define the scope of the cumulative effects assessment, the marine mammal RSA should extend further than the Local Study Area (LSA) to encompass the commercial/ recreational/industrial shipping activities in the PR Harbour and Porpoise Channel that may have a	Comments on the Marine Mammals workplan	Vopak expanded the RSA boundaries for the Marine Mammals RSA to address the concerns raised.	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	population-level impacts.				
Accidents and Malfunctions	Understanding the potential impacts from accidents and malfunctions adequately will require baseline data collection in areas where project-related accidents and malfunctions are most probable. Kitselas First Nation is concerned about the adequacy of this assessment solely on a desktop exercise.	Comments on workplans	The assessment methods for accidents and malfunctions as prescribed by the BC EAO and CEAA are being used. It is not feasible to collect baseline for the entire extent of a potential accident scenario.	Completed	
Socio-Economic Conditions	Request to disaggregate data to understand Nation-specific issues and impacts. Vopak needs to work with Kitselas First Nation to gather primary qualitative and quantitative data to ensure existing baseline conditions within the community are captured.	Comments on draft Socio-Economic Impact Assessment workplan	Individual baselines for each Indigenous Nation will not be included in the assessment of social and economic VCs in Part B of the EEE/Application; Part B will examine Indigenous issues at the level of Indigenous Nations in aggregate. Part C of the EEE/Application will examine issues at the level of the individual Indigenous Nation. A Part C workplan was shared with Kitselas First Nation for input.	Ongoing: Vopak is in discussions with Kitselas First Nation regarding input on the Part C workplan.	Kitselas First Nation agrees with the status of the issue.
Freshwater Fish and Fish Habitat	Is water flow going to be measured?	Comments on draft Freshwater	Water flow is not currently assessed as the Project is not expected to withdraw fresh water from Ridley Island, and there	Ongoing: If freshwater from Ridley Island is to	Kitselas First Nation agrees with the status of the issue.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
	Request to expand the LSA to include the downstream section of the stream until it reaches the marine environment.	Fish and Fish Habitat workplan	are no aquifers or water wells on the site. As noted in the Project Description, the source of water for hydrotesting has yet to be confirmed. If freshwater from Ridley Island is to be the source, then the scope of the assessment will be increased to include effects on water flow within the Freshwater Fish Habitat and Fish VC. Vopak changed the LSA to include the land lot area and the waterbodies draining the project site to the marine environment.	be the source then the scope of the assessment will be increased to include effects on water flow within the Freshwater Fish Habitat and Fish VC.	
Capacity Funding	Capacity funding is required for Kitselas First Nation to fully participate in the EA process.	Comments on draft TOR/AIR	Vopak has provided initial capacity funding to Kitselas First Nation. Vopak and Kitselas first Nation are in discussions regarding capacity funding.	Ongoing: Vopak is currently negotiating capacity funding with Kitselas First Nation.	Kitselas First Nation agrees with the status of the issue.

3.4 Kitsumkalum First Nation

Table 3-9 provides a summary of Vopak's key engagement activities with Kitsumkalum First Nation for Stage 1 – Initial Engagement and Stage 2 – Pre-EEE/Application Engagement. While engagement activities have occurred in regards to capacity funding, these activities have not been captured in the table below. Comments, interest and concerns raised, as well as Vopak's response are captured in Table 3-10 below. Most concerns raised to date have been addressed or are part of an ongoing discussion with the Nation.

Table 3-9 Chronology of Key Engagement Activities with Kitsumkalum First Nation

Date	Method of Engagement	Outcome
Stage 1 – Initial Engagement		
January 3, 2018	Email	Vopak provided background on the proposed Project, a link to Vopak website, and requested an opportunity to meet with the Chief Councillor.
March 26, 2018	Meeting	Meeting with Chief Roberts and Kitsumkalum First Nation representative to introduce Vopak, and the project.
March 27, 2018	Email	Vopak provided a summary of the March 26, 2018 meeting and suggested a meeting with the Prince Rupert Port Authority to discuss concerns related to the regulatory process under Section 67 of CEAA 2012.
April 2, 2018	Email	Vopak provided content of an Environmental Desktop Study, a preliminary Project Description Summary, as well as a Project area map. Vopak inquired if there were any considerations Kitsumkalum First Nation would like to share with Vopak prior to Vopak proceeding with the bidding process for the environmental assessment scope of work.
April 26, 2018	Meeting	Meeting agenda included the regulatory process, the scope of the environmental assessment, and rail.
May 29, 2018	Email	Vopak provided the draft Project Description for comments
June 15, 2018	Email	Vopak received comments on the draft Project Description.
July 9, 2018	Email with letter and tracking table	Vopak provided responses to comments on the draft Project Description and provided the Project Description version submitted to the regulators.
Stage 2 – Pre-EEE/Application Engagement		
September 25, 2018	Working Group Meeting	Vopak and Indigenous groups attended a regulatory Working Group Meeting to discuss the draft TOR/AIR, the EA process, regulatory permitting, the project overview, proposed VCs, and potential effects.

Date	Method of Engagement	Outcome
October 2, 2018	Email	Vopak provided spatial data from the draft TOR/AIR via the BC EAO.
October 19, 2018	Email	Vopak received Kitsumkalum First Nation comments (Round one) on the draft TOR/AIR from the BC EAO.
November 1, 2018	Email	Vopak provided the draft Indigenous Consultation Plan for comment.
November 29, 2018	Email	Vopak received comments on the draft Indigenous Consultation Plan.
December 4, 2018	Meeting	Meeting with Kitsumkalum First Nation, Vopak and SNC Lavalin to discuss the draft TOR/AIR comments.
January 14, 2019	Email with tracking table	Vopak response to comments (Round One) on the draft TOR/AIR.
January 23, 2019	Working Group Meeting	Second Working Group Meeting to discuss revisions to the draft TOR/AIR.
February 6, 2019	Email	Vopak received Round two comments on draft TOR/AIR.
February 15, 2019	Email with letter and tracking table	Vopak provided responses to the draft Indigenous Consultation Plan and provided the second draft Consultation Plan. Vopak received no further comments.
February 22, 2019	Email	Vopak provided drafts of the Marine Mammals field workplan, Terrestrial (Wildlife Veg) field workplan, Visual Quality field workplan, Freshwater Fish and Fish Habitat field workplan and Marine Resources field workplan for review.
March 4, 2019	Email	Vopak provided the Archaeology workplan for feedback.
March 26, 2019	Email	Vopak received comments on the draft field workplans and archaeology workplan.
March 29, 2019	Email with tracking table	Vopak responded to Round two comments on the draft TOR/AIR.
April 23, 2019	Email	Vopak received Round three comments on the draft TOR/AIR.
May 3, 2019	Email with letter and tracking table	Vopak provided responses to comments on the draft field workplans and Archaeology workplan.
May 13, 2019	Meeting	Meeting with Kitsumkalum First Nation, Vopak and SNC Lavalin to discuss the draft TOR/AIR and field workplan comments.
May 17, 2019	Email	Vopak provided a draft Socio-economic Impact Assessment workplan that describes the methodology of the socio-economic valued components. Vopak received no comments from Kitsumkalum First Nation on this workplan.
June 21, 2019	Email with	Vopak responded to Round three comments on the draft TOR/AIR.

Date	Method of Engagement	Outcome
	tracking table	
June 28, 2019	Email	Vopak provided the Air Dispersion Modelling Plan Summary for review.
July 19, 2019	Email	Vopak received comments on the Air Dispersion Modelling Plan Summary.
July 24, 2019	Working Group Meeting	Working Group Meeting #3 to discuss Disposal at Sea.
July 30, 2019	Email	Vopak provided the draft Part C Workplan for comment.

Table 3-10 Summary of Issues, Concerns, and Response to the Kitsumkalum First Nation

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is outstanding)
Scope of Assessment	Kitsumkalum First Nation is concerned regarding the potential effects of increased project-related and cumulative rail and shipping activity, including increased wait times at key road crossings, wildlife strikes, socio-economic impacts and potential accidents and malfunctions.	Initial engagement meetings; comments on the draft Project Description, comments on the draft TOR/AIR, January 23, 2019 Working Group Meeting Notes and January 2019 Working Group meeting	As described in the Project's Section 11 Order issued by the BC EAO, the scope of the assessment includes associated off-site shipping out to Triple Island (i.e., beyond PRPA jurisdiction) and the operation of rail tracks used by the proposed Project within the Port of Prince Rupert. Federal regulators confirmed in a letter dated March 1, 2019 that they will conduct a determination on the likelihood of significant adverse environmental effects based upon a review of project components that include rail loading and unloading activities within federal lands administered by the Port of Prince Rupert. Due to concerns raised by Working Group members, Vopak will develop a supplemental technical report to Working Group members concurrent with the submission of the EEE/Application. The scope of the supplemental technical report is described in Memo #4 Rail Traffic and includes a description of potential changes in air quality, noise and accidents and malfunctions.	Ongoing: Vopak to develop a supplemental technical report on rail concurrent with the submission of the EEE/Application.	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status of issues resolution.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is outstanding)
Regulatory Process	Kitsumkalum First Nation is concerned with the Section 67 EEE process including the lack of CEAA involvement and PRPA's role.	Initial engagement meetings	Vopak has engaged Kitsumkalum First Nation in discussions on the EA process for this project. Vopak is preparing an EEE pursuant to CEAA 2012, Section 67 EEE and an EA pursuant to the BCEAA and is taking measures to incorporate feedback from Kitsumkalum First Nation throughout the application process (e.g., PD, TOR/AIR, workplans, draft application). Additionally, Vopak believes that the coordinated provincial and federal review process will allow for a robust environmental assessment with comprehensive opportunities for Indigenous consultation.	Completed.	
Dredgeate disposal options	Kitsumkalum First Nation suggests Vopak explore options for land disposal for some of the dredgeate and assess the effects in the EEE/Application. Consultation on the proposed disposal at sea location should occur prior to the permitting process as the effects to the disposal site should be evaluated	Comments on the draft Project Description; comments on the draft TOR/AIR	In the TOR/AIR the Project activity 'disposal of dredgeate' includes activities associated with disposal of dredge material (e.g. transport to and from disposal site(s), method of disposal, and status and location of disposal area etc.). This activity will be assessed regardless of where the material is disposed (i.e. land or water).	Ongoing: Vopak to assess the impacts of disposal of dredgeate in accordance with the TOR/AIR.	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status of issues resolution.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is outstanding)
	during the EA process.				
Selection of VCs	Kitsumkalum First Nation requests to be fully engaged in the selection of VCs.	Comments on the draft Project Description	Kitsumkalum First Nation was involved in the selection of VCs through the consultation on the draft TOR/AIR.	Completed.	
Indigenous Consultation	Kitsumkalum First Nation's view on meaningful engagement is to not only share information and seek feedback, but to demonstrate how Vopak will seek consensus with Kitsumkalum First Nation around inclusion /exclusion of feedback. Kitsumkalum First Nation would like to engage with Vopak and regulatory authorities about post-EEE/Application approval activities.	Comments on the draft Indigenous Consultation Plan and draft Indigenous Consultation Report	Vopak revised the Indigenous Consultation Plan to clarify that Vopak proposes to work with Indigenous Nations to address issues and concerns raised in the hope of reaching consensus between Vopak and Indigenous Nations. Vopak has developed comment and response tracking tables, which are demonstrating how feedback received from Kitsumkalum First Nation has been included or not. Post-EEE/Application approval engagement activities are included in the Indigenous Consultation Plan.	Ongoing: Vopak will continue to engage with Kitsumkalum First Nation in accordance with the Indigenous Consultation Plan. This includes post-EEE/Application approval activities	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status of issues resolution.
TEK/TLU Studies	A project-specific TUS is required to assess impacts to Kitsumkalum First Nation's Title and Rights. Traditional knowledge should be incorporated in the assessment of each	Comments on the draft Indigenous Consultation Plan	Vopak is committed to working with Kitsumkalum to fund a TLU study undertaken by Kitsumkalum First Nation based on mutually agreeable terms. Traditional knowledge is proposed to be integrated in the assessment of each relevant VC as described in the Part C	Ongoing: Vopak and Kitsumkalum First Nation are currently in the process of negotiating the	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status of issues resolution.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is outstanding)
	relevant VC, as well as in the evaluation of Section 5(1)(c) effects and Aboriginal Interests.		Workplan that was shared with Kitsumkalum First Nation for input.	terms of a TLU study.	
Assessment of Aboriginal Interests and CEAA 2012 5(1)(c) effects	Kitsumkalum Fist Nation would like to understand, and be engaged on, how CEAA 2012 5(1)(c) effects will be assessed. The potential impacts of the Project on Aboriginal Interests and CEAA 5(1)(c) effects should be presented on an individual Nation by Nation basis.	Comments on the draft TOR/AIR	Vopak has described its proposed methodology for assessing impacts on Aboriginal Interests and CEAA 2012 5(1)(c) effects in the Part C workplan that was shared with Kitsumkalum First Nation for input. Potential effects are proposed to be assessed on a Nation by Nation basis in the EEE/Application.	Ongoing: Vopak is currently engaging with Kitsumkalum First Nation on the Part C workplan.	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status of issues resolution.
Field studies methodology	Kitsumkalum First Nation would like an understanding of Project-area specific field studies.	Comments on the draft TOR/AIR	Vopak has prepared field study workplan that include the methods and timing of the field studies, which were shared with Kitsumkalum First Nation for input.	Completed.	
Determination of Significance and Residual Effects Characterization	Kitsumkalum First Nation would like to gain an understanding of the definitions for residual effects characterization and determination of significance prior to the	Comments on the draft TOR/AIR	Vopak updated the TOR/AIR to provide definitions of the residual effect's characterization criteria and significance thresholds for each VC.	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is outstanding)
	assessment being conducted.				
Cumulative effects	Kitsumkalum First Nation is concerned regarding methods used for the cumulative effects assessment. Kitsumkalum First Nation requested updates to the project list used in the cumulative effects assessment.	Comments on the draft TOR/AIR	Vopak revised the TOR/AIR to clarify that the cumulative effects assessment will be conducted in conformance with BC EAO guideline. Vopak made revisions to the project list in the TOR/AIR.	Completed.	
VC Assessment Boundaries	The spatial boundaries should be based on the extent of potential effects rather than jurisdictional boundaries. Additionally, Kitsumkalum First Nation requested increased study boundaries for the Marine Use and Navigation VC, the Community Services and Infrastructure VC, the Economic Conditions VC, the Soils and Terrain VC, the Marine Resources VC, the Terrestrial Resources VC, the Freshwater Fish and Fish Habitat VC and	Comments on the draft TOR/AIR	Vopak revised the TOR/AIR for all named VCs to address concerns raised by Kitsumkalum First Nation. Study boundaries were expanded to the extent that they captured potential Project-related effects.	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is outstanding)
	the Heritage and Archaeology VC.				
Air Quality and GHG Emissions	Kitsumkalum First Nation would like to understand if upstream emissions associated with the Project will be assessed. Additionally, Kitsumkalum First Nation would like to understand what data sources will be used in the assessment of effects to characterize baseline air quality.	Comments on the draft TOR/AIR	Vopak will provide a technical report concurrent to the EEE/Application to provide upstream GHG information. The content of this technical report is still subject to discussions with ECCC. Vopak has prepared the Air Dispersion Modelling Plan Summary, which includes data sources, and shared it with Kitsumkalum First Nation for input.	Ongoing: Vopak to provide a technical report concurrent to the EEE/Application to provide upstream GHG information.	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status of issues resolution.
Noise	Kitsumkalum First Nation would like to see a commitment from Vopak beyond the study phase regarding real time monitoring and reducing noise pollution beyond guidelines.	Comments on the draft TOR/AIR	The opportunities to minimize noise emissions will be identified during the noise impact assessment and detailed in the EEE/Application, including noise reduction measures that may reduce noise below further than guidelines.	Ongoing: Vopak to identify opportunities to minimize noise emissions in the EEE/Application.	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status of issues resolution.
Visual Quality and Ambient Light	Kitsumkalum First Nation would like a commitment from Vopak to reduce light pollution to ensure quality of experience and reduce impacts on wildlife.	Comments on the draft TOR/AIR	All potential effects, including light trespass or sky glow (i.e., light wash), related to Project lighting will consider mitigation to minimize, reduce, or avoid the potential effect. Proposed mitigation measures will be developed in	Ongoing: Vopak to consult with Kitsumkalum First Nation on proposed	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status of issues resolution.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is outstanding)
			consultation with the Nation.	mitigation measures for the Project.	
Marine Resources	Kitsumkalum First Nation suggests the marine bird characterization be moved to the Marine Resources section to capture effects to marine birds due to shipping.	Comments on the draft TOR/AIR	Vopak updated the TOR/AIR to include Marine Birds as a subcomponent to the Marine Resources VC.	Completed.	
Human Health	Kitsumkalum First Nation is concerned that Vopak is at risk of not having appropriate information to perform a HHRA, particularly as it relates to health effects of consuming traditional foods that have been impacted by the resuspension of potentially contaminated sediment.	Comments on the draft TOR/AIR	Vopak will complete an assessment of potential effects related to the resuspension and dispersion of sediments during dredging activities, specifically with respect to potential effects to human health through the consumption of traditional marine foods.	Ongoing: Vopak to conduct a HHRA in accordance with the response provided to Kitsumkalum First Nation's comments on the TOR/AIR.	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status of issues resolution.
Employment opportunities	Kitsumkalum First Nation is interested in employment opportunities.	Initial engagement meetings	Vopak has identified opportunities for Kitsumkalum First Nation to participate in field studies. Vopak will continue to engage with	Ongoing: Vopak will continue to engage with	Kitsumkalum First Nation and Vopak agree to continue to have

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is outstanding)
			Kitsumkalum First Nation to identify further opportunities.	Kitsumkalum First Nation to identify further opportunities.	discussions on the status of issues resolution.
Heritage and Archaeology	Archaeology is tied to Kitsumkalum First Nation's sense of place, history and well-being, as well as its connection to the land. Past proponents have listed mitigation as storing artifacts in repositories. More in depth management of First Nation artifacts and discussion on First Nations' role and involvement in archaeological works onsite must be reviewed. Kitsumkalum First Nation must be involved with all Archaeology works within our consultative area.	Comments on the draft TOR/AIR	Vopak intends to consult with Kitsumkalum First Nation regarding archeological management.	Ongoing: Vopak to consult with Kitsumkalum First Nation regarding archeological management.	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status of issues resolution.
Work camp	Kitsumkalum First Nation is concerned about the potential impacts of the work camp.	Initial engagement meetings; comments on the draft Project	The Infrastructure and Services VC includes effects of work camps.	Ongoing: Vopak to assess potential effects of the work camp	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is outstanding)
		Description		in the EEE/Application.	of issues resolution.
Monitoring/ Management Plans	Kitsumkalum First Nation would like Vopak to engage with Kitsumkalum First Nation in regard to monitoring programs.	Comments on the draft TOR/AIR	Vopak will engage with Kitsumkalum First Nation on monitoring programs that are identified in the EEE/Application.	Ongoing: Vopak will engagement with Kitsumkalum First Nation on monitoring programs that are identified in the EEE/Application.	Kitsumkalum First Nation and Vopak agree to continue to have discussions on the status of issues resolution.
Capacity Funding	Capacity funding is required for Kitsumkalum First Nation to fully participate in the EA process.	Comments on the draft Indigenous Consultation Plan; comments on the draft TOR/AIR	Vopak and Kitsumkalum First Nation are in discussions regarding capacity funding. Vopak provided Kitsumkalum First Nation with initial funding while negotiations continue on a broader funding agreement.	Ongoing; Vopak is currently negotiating capacity funding Kitsumkalum First Nation.	

3.5 Lax Kw'alaams Band

Table 3-11 provides a summary of Vopak's key engagement activities with Lax Kw'alaams Band for Stage 1 – Initial Engagement and Stage 2 – Pre-EEE/Application Engagement. While engagement activities have occurred in regards to capacity funding, these activities have not been captured in the table below. Comments, interest and concerns raised, as well as Vopak's response are captured in Table 3-12 below. Most concerns raised to date have been addressed or are part of an ongoing discussion with the Nation.

Table 3-11 Chronology of Key Engagement Activities with Lax Kw'alaams Band

Date	Method of Engagement	Outcome
Stage 1 – Initial Engagement		
January 8, 2018	Meeting	Vopak met with the Mayor of Lax Kw'alaams Band and with a Lax Kw'alaams Band representative. Vopak provided background information on the Project.
February 2, 2018	Phone call	Vopak met with a Lax Kw'alaams Band representative to provide background information about the project. Vopak inquired if there were any considerations Lax Kw'alaams Band would like to share with Vopak prior to Vopak proceeding with the bidding process of the environmental assessment scope of work.
February 15, 2018	Email	Vopak provided content of an Environmental Desktop Study that Vopak initiated earlier in the year.
March 12, 2018	Email	Vopak provided a preliminary Project Description Summary and Project Area Map for information purposes.
April 22, 2018	Meeting	Vopak met with Lax Kw'alaams Band representatives and the Prince Rupert Port Authority to discuss the regulatory process under Section 67 of CEAA 2012.
May 29, 2018	Email with letter and tracking table	Vopak provided the draft Project Description to Lax Kw'alaams Band for comments.
June 25, 2018	Email	Vopak received comments on the draft Project Description.
Stage 2 – Pre-EEE/Application Engagement		
September 25, 2018	Working Group Meeting	Vopak and Indigenous groups attended a regulatory Working Group Meeting to discuss the draft TOR/AIR, the EA process, regulatory permitting, project overview, proposed VCs, and potential effects.
September 26, 2019	Mayor and Council Meeting	Vopak met with the Lax Kw'alaams Band Mayor and Council to provide a project update.
October 2, 2018	Email	Vopak provided spatial data from the draft TOR/AIR via the BC EAO.

Date	Method of Engagement	Outcome
October 9, 2018	Email	Vopak received comments (Round One) on the draft TOR/AIR.
November 1, 2018	Email	Vopak provided the draft Indigenous Consultation Plan for input.
December 7, 2018	Email	Vopak received comments on the draft Indigenous Consultation Plan.
January 9, 2019	Email	Vopak received an email request from a Lax Kw'alaams Band representative that was newly appointed to the Vopak project to confirm the completeness of project information. Vopak provided additional information.
January 14, 2019	Email with tracking table	Vopak provided responses to comments (Round One) on draft TOR/AIR. Vopak received no further comments from Lax Kw'alaams Band.
January 23, 2019	Working Group Meeting	Second Working Group Meeting to discuss revisions to the draft TOR/AIR.
January 24, 2019	Meeting	Meeting agenda included the draft TOR/AIR and field studies.
February 15, 2019	Email with letter and tracking table	Vopak provided responses to comments on the draft Indigenous Consultation Plan and provided the second draft Indigenous Consultation Plan. Vopak received no further comments from Lax Kw'alaams Band.
February 22, 2019	Email	Vopak provided drafts of the Marine Mammals field workplan, Terrestrial (Wildlife Veg) field workplan, Visual Quality field workplan, Freshwater Fish and Fish Habitat field workplan and Marine Resources field workplan for review.
March 4, 2019	Email	Vopak provided the Archaeology workplan for feedback.
March 11, 2019	Email	Vopak received comments on the draft field workplans and archaeology workplan.
May 3, 2019	Email with letter and tracking table	Vopak provided responses to comments on the draft field workplans and Archaeology workplan.
May 17, 2019	Meeting	Meeting between Vopak, Lax Kw'alaams Band and SNC Lavalin to discuss comments on the draft TOR/AIR and field workplans.
May 17, 2019	Email	Vopak provided a draft Socio-economic Impact Assessment Workplan that describes the methodology of the socio-economic valued components.
June 6, 2019	Email	Vopak received comments on Socio-economic Impact Assessment Workplan.
June 27, 2019	Meeting	Meeting agenda included an update on the TOR/AIR, comment responses on the socio-economic workplan, the upcoming disposal at sea Working Group meeting and a terms of reference for the

Date	Method of Engagement	Outcome
		Traditional Use Study.
June 28, 2019	Email	Vopak provided the Air Dispersion Modelling Plan Summary for review.
July 10, 2019	Email	Vopak received comments on the Air Dispersion Modelling Plan Summary.
July 12, 2019	Email	Vopak provided a response to the comments on the Air Dispersion Modelling Plan Summary.
July 16, 2019	Email with tracking table	Vopak responded to comments on the Socio-economic Impact Assessment Workplan.
July 24, 2019	Working Group Meeting	Working Group Meeting to discuss Disposal at Sea.
July 30, 2019	Email	Vopak provided the draft Part C Workplan for comment.

Table 3-12 Summary of Issues, Concerns, and Response to the Lax Kw'alaams Band

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
Regulatory Process	Lax Kw'alaams Band is concerned with the CEAA, 2012 Section 67 process. Lax Kw'alaams Band would like to see a draft version of Part C and other applicable section of the EEE/Application before it is submitted.	Meetings	Vopak has engaged Lax Kw'alaams Band in discussions on the EA process for this project. Vopak is preparing an EEE pursuant to CEAA 2012, Section 67 and an EA pursuant to the BCEAA and is taking measures to incorporate feedback from Lax Kw'alaams Band throughout the application process (e.g., PD, TOR/AIR, workplans, draft application). Additionally, Vopak believes that the coordinated provincial and federal review process will allow for a robust environmental assessment with comprehensive opportunities for Indigenous consultation. Vopak intends to share Part C content and other applicable content with Lax Kw'alaams Band prior to the submission of the EEE/Application.	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
Access to resources	Potential impacts on access to resources is a concern for Lax Kw'alaams Band.	Comments on the Indigenous Consultation Plan	Access to resources will be assessed in the EEE/Application.	Ongoing: Vopak to assess access to resources in the EEE/Application.	Lax Kw'alaams Band agree with the status of issue resolution.
Participation in field studies and monitoring	Lax Kw'alaams Band requested opportunities to participate in field studies and monitoring during operations should the Project proceed. Specifically, Lax Kw'alaams Band requested archaeological monitors participate in the archaeology field study.	Comments on the Indigenous Consultation Plan	Vopak has provided opportunities for Lax Kw'alaams Band to participate in field studies, including the archaeology field study, and will continue to work with Lax Kw'alaams Band to identify opportunities to participate in monitoring activities.	Ongoing: Vopak to work with Lax Kw'alaams Band to identify opportunities to participate in monitoring activities.	Lax Kw'alaams Band agree with the status of issue resolution.
Indigenous Consultation	Request Vopak consult with Lax Kw'alaams Band separate from other Indigenous Nations due to varying degrees of consultation processes.	Comments on the Indigenous Consultation Plan	Vopak has, and will continue, to engage with Lax Kw'alaams Band individually. Vopak will consult with all Indigenous Nations as directed in the BC EAO's Section 11 Order.	Completed.	
Use of secondary sources/Field studies	Lax Kw'alaams Band is concerned that some of the data relied upon appears to be	Comments on the draft TOR/AIR;	Where existing data is not applicable or sufficient, additional field studies are being conducted. Vopak has prepared	Ongoing: Vopak will continue to engage with Lax Kw'alaams Band	Lax Kw'alaams Band agree with the status of

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
methodology	outdated. Lax K'walaams Band requests access to all data relied on to reach specific conclusions and recommendations, specifically matters relating to the fishery, wetlands, sedimentation and flow patterns, disposal at sea, etc. Additionally, Lax Kw'alaams Band would like to see the length, frequency and timing of new field studies.	comments on the workplans	field study workplans that include the methods and timing of the field studies, which were shared with Lax Kw'alaams Band for input. Additionally, Vopak's EEE/Application will contain a series of technical data reports that will be made available to Lax Kw'alaams Band and will contain a description of the methods and data that were used to support the assessment of potential project effects.	regarding the validity of data relied on in the EEE/Application.	issue resolution.
VC Assessment Boundaries	Lax Kw'alaams Band requested to expand the study boundaries for the Marine Resources VC, the Freshwater Fish and Fish Habitat VC, the Marine Use and Navigation VC, the Economic Conditions VC, the Infrastructure and Services VC and the Human Health VC.	Comments on the draft TOR/AIR	Vopak revised the TOR/AIR for all named VCs to address concerns raised by Lax Kw'alaams Band. Study boundaries were expanded to the extent that they captured potential Project-related effects.	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only complete if status is 'outstanding')
Cumulative Effects Scope	Lax Kw'alaams Band is concerned about the cumulative effects of different projects on Ridley Island. Additionally, Lax Kw'alaams Band requested that the cumulative effects assessment should include foreseeable future ship and rail traffic.	Meetings; comments on the draft TOR/AIR	Vopak will undertake a cumulative effects assessment following the BC EAO and CEAA guidance and will include other projects on Ridley Island. The cumulative effects assessment for the Marine Use and Navigation VC will consider foreseeable vessel traffic projections within the Regional Study Area. The potential cumulative effects of ship and rail traffic will be assessed within the scope described in the Section 11 Order.	Ongoing: Vopak to undertake the cumulative effects assessment as communicated to Lax Kw'alaams Band.	Lax Kw'alaams Band agree with the status of issue resolution.
Marine Mammals	The evaluation of the construction of the marine jetty and berths should include potential for direct mortality of fish and marine mammals.	Comments on the draft TOR/AIR	Vopak updated the TOR/AIR to include the potential for construction of the marine jetty and berths to result in direct mortality of fish and marine mammals.	Completed.	
Capacity Funding	Capacity funding is required for Lax Kw'alaams Band to fully participate in the EA process.	Meetings	Vopak has provided capacity funding to support Lax Kw'alaams Band's participation in the regulatory process.	Completed.	

3.6 Metlakatla First Nation

Table 3-13 provides a summary of Vopak's key engagement activities with Metlakatla First Nation for Stage 1 – Initial Engagement and Stage 2 – Pre-EEE/Application Engagement. While engagement activities have occurred in regards to capacity funding, these activities have not been captured in the table below. Comments, interest and concerns raised, as well as Vopak's response are captured in Table 3-14 below. Most concerns raised to date have been addressed or are part of an ongoing discussion with the Nation.

Table 3-13 Chronology of Key Engagement Activities with Metlakatla First Nation

Date	Method of Engagement	Outcome
Stage 1 – Initial Engagement		
January 19, 2018	Chief and Council Meeting	Vopak met with the Metlakatla Governing Council to provide information on Vopak and Vopak's projects on Ridley Island.
January 23, 2018	Email	Email introduction with representatives of the Metlakatla Stewardship Office. Vopak provided background on the proposed Project.
February 15, 2018	Conference call	Vopak met with representatives of the Metlakatla Stewardship Office to introduce Vopak and provide information about the proposed project. Vopak inquired if there were any considerations the Metlakatla Stewardship Office would like to share with Vopak prior to Vopak proceeding with the bidding process for the environmental assessment scope of work.
February 15, 2018	Email	Vopak provided content of the draft Environmental Desktop Study for review.
March 12, 2018	Email	Vopak provided a preliminary Project Description Summary and Project Area Map for information purposes.
April 11, 2018	Meeting	Vopak met with a representative of the Metlakatla Stewardship Office and the Prince Rupert Port Authority to discuss the regulatory process under Section 67 of CEAA 2012.
May 9, 2018	Meeting	Meeting agenda included Metlakatla Stewardship Office comments on the draft Environmental Desktop Study.
May 29, 2018	Email	Vopak provided Metlakatla Stewardship Office with a draft Project Description for comment.
June 12, 2018	Email	Vopak received comments on the draft Project Description.
June 13, 2018	Email	Vopak received the Sediment Management: A Proponent Guide for the Prince Rupert Region, as well as disposal at sea information Metlakatla First Nation was interested in receiving in the future.

Date	Method of Engagement	Outcome
July 6, 2018	Email with letter and tracking table	Vopak provided responses to comments on the draft Project Description and provided the Project Description version submitted to the regulators.
Stage 2 – Pre-EEE/Application Engagement		
September 25, 2018	Working Group Meeting	Vopak and Indigenous groups attended the regulatory Working Group Meeting to discuss the draft TOR/AIR, the EA process, regulatory permitting, project overview, proposed VCs, and potential effects.
September 25, 2018	Email	Vopak provided Metlakatla Stewardship Office with the spatial data for the draft TOR/AIR and conceptual layout.
October 9, 2018	Email	Vopak received comments (Round one) on the draft TOR/AIR.
November 1, 2018	Email	Vopak provided the draft Indigenous Consultation Plan.
November 7, 2018	Email	Vopak received comments on the draft Indigenous Consultation Plan.
November 20, 2018	Meeting	Vopak, SNC Lavalin and the Metlakatla Stewardship Office met to discuss comments on the draft TOR/AIR, the methodology of EA studies and the archaeological Valued Component.
January 14, 2019	Email with tracking table	Vopak provided responses to Round one comments on the draft TOR/AIR.
January 23, 2019	Working Group Meeting	Second Working Group Meeting to discuss revisions to the draft TOR/AIR.
January 24, 2019	Meeting	Vopak and Metlakatla Stewardship Office had an in-person meeting to discuss updates on the progress of the EA.
January 25, 2019	Email	Vopak received Round two comments on the draft TOR/AIR.
February 15, 2019	Email with letter and tracking table	Vopak provided responses to comments on the draft Indigenous Consultation Plan and provided the second draft Indigenous Consultation Plan. Metlakatla Stewardship Office indicated there were no further comments.
February 22, 2019	Email	Vopak provided drafts of the Marine Mammals field workplan, Terrestrial (Wildlife Veg) field workplan, Visual Quality field workplan, Freshwater Fish and Fish Habitat field workplan and Marine Resources field workplan for review.
March 4, 2019	Email	Vopak provided the Archaeology workplan for feedback.
March 14, 2019	Email	Vopak received comments on the draft field workplans and Archaeology workplan.
March 29, 2019	Email with tracking table	Vopak provided responses to Round two comments on the draft TOR/AIR.

Date	Method of Engagement	Outcome
May 3, 2019	Email	Vopak received Round three comments on the draft TOR/AIR and comments on memos three and four.
May 3, 2019	Email with letter and tracking table	Vopak provided responses to comments on the draft field workplans and Archaeology workplan.
May 16, 2019	Meeting	Vopak, SNC Lavalin and Metlakatla Stewardship Office had a phone call to discuss comments on the draft TOR/AIR and field workplans.
May 17, 2019	Email	Vopak received comments on the Heritage and Archaeology Valued Component of the draft TOR/AIR.
May 17, 2019	Email	Vopak provided a draft Socio-economic Impact Assessment Workplan that describes the methodology of the socio-economic valued components.
June 18, 2019	Email	Vopak received final comments on the draft TOR/AIR.
June 19, 2019	Email	Vopak received comments on the draft Socio-economic Impact Assessment Workplan.
June 21, 2019	Email with tracking table	Vopak provided responses to Round three comments on draft TOR/AIR and to comments on the Heritage and Archaeology Valued Component.
June 26, 2019	Chief and Council Meeting	Vopak provided a project update to the Metlakatla Governing Council.
June 28, 2019	Email	Vopak provided the Air Dispersion Modelling Plan Summary for review.
July 12, 2019	Email	Vopak received comments on the Air Dispersion Modelling Plan Summary.
July 16, 2019	Email with tracking table	Vopak responded to comments on the Socio-economic Impact Assessment Workplan.
July 16, 2019	Email	Vopak provided a draft Terms of Reference for the Traditional Use Study for comments.
July 24, 2019	Working Group Meeting	Working Group Meeting to discuss Disposal at Sea.
July 30, 2019	Email	Vopak provided the draft Part C workplan for comment.

Table 3-14 Summary of Issues, Concerns, and Response to the Metlakatla First Nation

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only if status is outstanding)
Rail	As this project goes through review, it will be important for Vopak to help connect Metlakatla First Nation with the appropriate contacts related to the rail activity associated with this project. Metlakatla First Nation will require further discussions with CN rail to fully understand the operations, transportation, accident prevention measures, emergency response plans and spill response capacity for the products that are proposed to be transported through Metlakatla Territory. Given that some of the rail cars arriving at the project site will be pressurized, Metlakatla First Nation will need to have a full understanding of the safety features of the rail cars and what the consequences of accidents and malfunctions could be for both pressurized cars and cars carrying the other products. During project assessment, Metlakatla First Nation	Comments on the draft Project Description; comments on the draft TOR/AIR	Vopak proposes to have a follow-up conversation with Metlakatla First Nation to identify appropriate contacts at CN to discuss concerns raised by Metlakatla First Nation.	Ongoing: Vopak and Metlakatla First Nation to continue discussions on concerns raised by Metlakatla First Nation.	Metlakatla First Nation agrees with the status of issue resolution.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only if status is outstanding)
	will need to understand what the worst-case scenario is for accidents and malfunctions for the rail portion of this project.				
Spatial Scope of the Assessment	There is concern that rail impacts outside of the project footprint will not be captured or assessed. Metlakatla First Nation has concerns about accidents and malfunctions along the rail line and marine shipping route, increased traffic, increased impacts to wildlife, air quality and access to resources.	Comments on the draft Project Description	As described in the Project's Section 11 Order issued by the BC EAO, the scope of the assessment includes associated off-site shipping out to Triple Island (i.e. beyond PRPA jurisdiction) and the operation of rail tracks used by the proposed Project within the Port of Prince Rupert. Federal regulators confirmed in a letter dated March 1, 2019 that they will conduct a determination on the likelihood of significant adverse environmental effects based upon a review of project components that include rail loading and unloading activities within federal lands administered by the Port of Prince Rupert. Due to concerns raised by Working Group members, Vopak will develop a	Ongoing: Vopak to develop a supplemental technical report on rail concurrent with the submission of the EEE/Application.	Conversations are ongoing between Metlakatla First Nation and Regulators to discuss rail issues that are not scoped into the Project assessment.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only if status is outstanding)
			supplemental technical report to Working Group members concurrent with the submission of the EEE/Application. The scope of the supplemental technical report is described in Memo #4 Rail Traffic and includes a description of potential changes in air quality, noise and accidents and malfunctions.		
Regulatory Process	Metlakatla First Nation I concerned that PRPA is in conflict as a regulator.	Comments on the draft Project Description	Vopak has engaged Metlakatla First Nation in discussions on the EA process for this project. Vopak is preparing an EEE pursuant to CEAA 2012, Section 67 EEE and an EA pursuant to the BCEAA and is taking measures to incorporate feedback from Metlakatla First Nation throughout the application process (e.g., PD, TOR/AIR, workplans, draft application). Additionally, Vopak believes that the coordinated provincial and federal review process will allow for a robust environmental assessment with comprehensive opportunities for Indigenous consultation.	Completed.	
Disposal at Sea	Metlakatla First Nation has a lot of concerns related to disposal at sea. Request that Vopak review the	Comments on the draft Project	Vopak acknowledges the concerns raised by Metlakatla First Nation and has reviewed the "Sediment	Ongoing: Vopak to continue its engagement with Metlakatla First	Metlakatla First Nation agrees with the status of issue resolution.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only if status is outstanding)
	"Sediment Management: A Proponent's Guide for the Prince Rupert Region (2016)". Metlakatla First Nation expects to be deeply involved in the siting of disposal at sea activities. Metlakatla would like to see PRPA's criteria for sediment acceptance, the management for the onland disposal site on Ridley Island, the wetland compensation plan for the spoil site.	Description; comments on the draft TOR/AIR	Management: A Proponent's Guide for the Prince Rupert Region (2016)". Vopak has referred the request for information from PRPA to PRPA for comments.	Nation on disposal at sea.	
Community Well-being	Human well-being should be considered as a VC.	Comments on the draft Project Description	A separate Community Well-being VC was added to the TOR/AIR.	Completed.	
Use of secondary sources / Field survey methodology	Metlakatla First Nation would like to have an understanding of the types of surveys that are planned for each VC including the timing, scope, methodology for each field study. Metlakatla First Nation would like to provide input into receptor locations for noise and the selection of viewpoints for the Visual Quality VC. Metlakatla First Nation cautions against using existing data sources	Comments on the draft Project Description	Past EA conclusions and potential effects will not be used to inform this assessment. However, original data that was used to support past EAs may be relied on, if relevant to this Project. Where existing data is not applicable or sufficient, additional field studies have been conducted. Vopak has prepared field study workplans that include the methods and timing of the field studies, which were shared with Metlakatla First Nation for input.	Ongoing: Metlakatla First Nation is in the process of developing a TU study. Vopak will identify appropriate secondary sources in discussions with Metlakatla First Nation if applicable.	Metlakatla First Nation agrees with the status of issue resolution.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only if status is outstanding)
	that only summarize other reports and do not have any primary data collected themselves. Metlakatla First Nation will conduct a TLU study for this project and recommends that publically available information not be used.		Vopak is committed to working with Metlakatla First Nation to incorporate the findings of the TLU study in the EEE/Application. As communicated in the Part C workplan, where TLU information is not provided, information will be compiled from publically available secondary sources and Vopak will discuss with Metlakatla First Nation which secondary sources may be most appropriate.		
Participation in field studies	Metlakatla First Nation would like to identify opportunities with Vopak to participate in the field studies.	Comments on the draft field workplans	Vopak has identified opportunities for Metlakatla First Nation to participate in the field study program.	Completed.	
Bats	Bats are mammals of concern on Ridley Island. Surveys should be conducted on Ridley Island to identify the presence and abundance of bats.	Comments on the draft Project Description	Bat surveys will be conducted in accordance with the Terrestrial Resources field workplan that was provided to Metlakatla First Nation for input.	Completed.	
Monitoring/ Management Plans	Metlakatla First Nation would like a commitment from Vopak to engage with Metlakatla First Nation on activities that take place post – approval, such as monitoring, the review of management plans and emergency response and	Comments on the draft Project Description; comments on the draft Indigenous	Vopak will discuss with Metlakatla First Nation opportunities for engagement on post-approval activities.	Ongoing: Vopak will discuss with Metlakatla First Nation opportunities for engagement on post-approval activities.	Metlakatla First Nation agrees with the status of issue resolution.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only if status is outstanding)
	preparedness.	Consultation Report			
Access to resources	Metlakatla First Nation is concerned about potential impacts on access to resources as a result of the facility.	Comments on the draft Indigenous Consultation Plan	Access to harvesting locations is proposed to be assessed in Part C of the EEE/Application as described in the Part C workplan that was shared with Metlakatla First Nation for input.	Ongoing: Vopak and Metlakatla First Nation to continue to engage on the Part C workplan.	Metlakatla First Nation agrees with the status of issue resolution.
Accidents and malfunctions	Metlakatla First Nation is concerned about impacts from potential impacts and malfunctions of the facility.	Comments on the draft Indigenous Consultation Plan	Section 6 of the EEE/Application will assess potential accidents and malfunctions as described in the TOR/AIR.	Ongoing: Section 6 of the EEE/Application to assess potential accidents and malfunctions as described in the TOR/AIR.	Metlakatla First Nation agrees with the status of issue resolution.
Working Group meetings	Metlakatla First Nation is interested in identifying topics of interest for future EA Working Group meetings.	Comments on the draft Indigenous Consultation Plan	Vopak acknowledges Metlakatla First Nation's request and will aim to identify topics of interest for future EA Working Group meetings early on.	Ongoing: Vopak to identify topics of interest for future EA Working Group meetings early on.	Metlakatla First Nation understands that Working Group meetings will be scheduled in advance and draft agendas will be shared.
VC Assessment Boundaries	Metlakatla requests clarification on and/or the expansion of assessment boundaries for the Terrestrial	Comments on the draft TOR/AIR	The study boundaries were revised for all named VCs to address concerns raised by Metlakatla First Nation.	Completed.	

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only if status is outstanding)
	Resources VC, the Marine Resources VC and the Marine Use and Navigation VC.				
Archaeology and Heritage	Metlakatla First Nation advised Vopak that Metlakatla First Nation's policy is that all Culturally Modified Trees (CMT) must be protected and preserved regardless of age and type. Any damage to a CMT is considered a significant impact by Metlakatla First Nation. Metlakatla expects Vopak to follow CMT and cultural protocols and remain up to date on policies and protocols as they are developed. Vopak should use guidelines from *Heritage Conservation Act*. All mitigation should be discussed with the Metlakatla First Nation.	Comments on the draft TOR/AIR; comments on the workplans	Vopak acknowledges the importance of CMTs for Metlakatla First Nation and will discuss with Metlakatla First Nation how to incorporate cultural protocols in the EEE/Application. While a Heritage Conservation Act permit is not required on federal land, Vopak will follow the provincial guidelines as they are industry best practice. Vopak will engage Metlakatla First Nation on the development of mitigation measures, if applicable.	Ongoing: Vopak and Metlakatla to continue to engage on CMTs.	Metlakatla First Nation agrees with the status of issue resolution.
Effects on Indigenous Peoples	Metlakatla First Nation noted that to properly assess impacts to Indigenous Peoples, a full assessment under Section 5 (1)(c) of CEAA 2012 should be conducted. Additionally, Metlakatla First Nation noted that if the First Nation is not in accordance with conclusions in Part	Comments on the draft TOR/AIR	Vopak shared a Part C workplan with Metlakatla First Nation for input, which describes how potential effects on Section 5(1)(c) are proposed to be assessed. Vopak acknowledges the comments made by Metlakatla First Nation and will work with Metlakatla First Nation to address these in the	Ongoing: Vopak and Metlakatla First Nation to continue to engage on the concerns raised by Metlakatla First Nation.	Metlakatla First Nation has submitted comments and looks forward to seeing how the comments will be incorporated.

Topic	Comment, Interest or Concern Raised	Source	Vopak's Response / Action to Address	Status of Issue Resolution	Follow-up comment, interest or concern raised (only if status is outstanding)
	B of the EEE/Application, then conclusions in Part C of the EEE/Application may be deemed inappropriate. Metlakatla First Nation also noted that effects that are not deemed "residual" from a scientific perspective may still be impactful from an Indigenous Nations' point of view.		development of the EEE/Application.		
Capacity Funding	Capacity funding is required for Metlakatla First Nation to fully participate in the EA process.	Meetings	Vopak has provided capacity funding to support Metlakatla First Nation's participation in the regulatory process.	Complete.	

4 Summary of Potential Adverse Impacts on Aboriginal Interests and Preliminary Mitigation Measures

Pursuant to Section 13.3.3 of the Section 11 Order, the Report is required to identify the potential adverse impacts of the proposed Project on Aboriginal Interests, and identify how the potential adverse impacts of the proposed Project on Aboriginal Interests will be mitigated or otherwise addressed or accommodated, as appropriate.

Vopak has developed a list of preliminary Aboriginal Interests as part of the Part C workplan and is currently seeking input from each Indigenous Nation on these Interests. Potential adverse impacts of the proposed Project on Aboriginal Interests will be identified once the list of Aboriginal Interests is solidified. As such, this Report does not include a summary of potential adverse impacts or how potential adverse impacts on Aboriginal Interests will be mitigated or otherwise addressed or accommodated, as appropriate.

Pursuant to Section 13.3.1 of the Section 11 Order, Vopak is required to submit a second Indigenous Consultation Report at the time of submission of the EEE/Application. Vopak expects this second report to include:

- A summary of potential adverse impacts of the Project on Aboriginal Interests, and
- A table of potential impacts and associated measures to avoid, mitigate, or otherwise address or accommodate the potential impacts, as appropriate.

5 Next Steps

Vopak will continue to engage with the Indigenous Nations in accordance with the approved Indigenous Consultation Plan. Vopak appreciates the input received from Indigenous Nations to date and looks forward to continuing to work with the Indigenous Nations throughout the EA process and developing long-term positive relationships.